

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3898 OF 2017**

Maddasar Liyakat Shaikh

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Satyajeet P. Dighe for the Petitioner

Mr. Vinod Chate, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 23rd JANUARY, 2018

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 13th June, 2017 passed by the Additional Sessions Judge, Nashik, below Exhibit 1, only to the extent that it directs the applicant “to execute a bond of Rs. 2 lakhs with one surety in the like amount”.

3 Learned counsel for the petitioner states that the cost of the auto rickshaw is Rs. 40,000/- as of today and that the condition imposed by

the learned Additional Sessions Judge is onerous and harsh and hence, the said amount be reduced to Rs. 40,000/-.

4 Learned A.P.P opposed the petition.

5 Perused the papers. The petitioner has preferred an application under Section 457 Cr. P. C. for releasing auto rickshaw No. MH-15-EH-1319 in his favour on his Supratnama. It is not in dispute that the petitioner is a registered owner of the auto rickshaw in question. The accused from whom auto rickshaw was seized has also given their no objection to releasing the auto rickshaw in favour of the petitioner. The learned Additional Sessions Judge allowed the said application. The relevant part of the order reads thus :

“2) *The auto rickshaw no. MH-15-EH-1319 be released in favour of the applicant Mudassar Liyakat Shaikh on Supratnama on his executing the bond of **Rs. 2,00,000/- (Rs. Two lakhs only) with one surety in like amount**, on the condition that he shall not part with the same, shall keep it in the same condition and shall produce it in the Court as and when required by the Court.*”

6 It appears that the cost of the auto rickshaw is about Rs. 40,000/- as of today. Hence, the condition imposed by the learned

Judge is harsh and onerous and accordingly stands modified to the extent that the auto rickshaw No. MH-15-EH-1319 be released in favour of the petitioner Mudassar Liyakat Shaikh on Supratnama on his executing bond of Rs. 40,000/- (instead of Rs. 2 lakhs) with one surety in the like amount, on condition that he will not part with the same and shall keep it in the same condition and produce it in the Court as and when required by the Court. Rest of the conditions to remain as it is.

7 Petition is allowed and disposed of on the above terms.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.