

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APL] No.112 of 2018

Mahesh Gopaldas Udasi

vs.

State of Maharashtra, through the P.S.O. Mul, District Chandrapur

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri D.S. Jagyasi, Advocate for the Applicant.
Shri S.D. Sirpurkar, A.P.P. for the Non-Applicant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 7th MARCH, 2018.

Admit.

Heard finally by consent.

The reply filed by the prosecution is taken taken
on record.

On going through the impugned order, it is seen
that on principle, the learned Additional Sessions Judge has
come to the conclusion that the vehicle could be released to
the interim custody of the applicant till final disposal of the
criminal case pending against him. But, the learned Additional
Sessions Judge has also found that as the applicant is not
willing to furnish any bank guarantee, there is a hurdle in
allowing the application.

Even today, the learned Counsel for the applicant
submits that the applicant would be furnishing a bank
guarantee of Rs.1,00,000/- and not more than that, as the

applicant is not in a position to arrange for issuance of the bank guarantee for any higher amount. During the course of the arguments, it was indicated to the learned Counsel that amount of bank guarantee would be of Rs.2,00,000/-, but the learned Counsel for the applicant submits that it would not be possible for the applicant to furnish a bank guarantee of Rs.2,00,000/-.

In this matter, as the vehicle is liable to be confiscated on the crime being established against the applicant and then auctioned publicly, it is necessary that the bank guarantee of reasonable amount is furnished by the applicant. However, as the applicant is not ready to furnish the bank guarantee of Rs.2,00,000/-, this application cannot be allowed.

The application stands rejected.

JUDGE

**sdw*