

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.15027 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“.....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not releasing the petitioner's Hero Honda Splendor Motor Cycle bearing Reg.No.AP-15-YB-TR-1266 seized in Cr.No.62 of 2017 on the file of the 3rd respondent, in spite of his readiness to furnish the third party surety, as being illegal and arbitrary and consequently direct the 2nd respondent to release the vehicle to the petitioner, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. At the hearing, learned counsel for the petitioner would submit that in view of the similarity of the facts, this Writ Petition may be disposed of in terms of the *interim* order, dated 07.11.2017, in W.P.M.P. No.46275 of 2017 in W.P. No. 37246 of 2017. A copy of the *interim* order in the said Miscellaneous Petition and the copies of the bills are filed along with the material papers.

3. Learned Government Pleader appearing for the respondents endorses the said submission.

4. Accordingly, there shall be a direction to the 2nd respondent to release the petitioner's vehicle *viz.*, Hero Honda Splendor bearing Registration No.AP-15-YB-TR-1266, subject to condition of the petitioner depositing Rs.5,000/- (Rupees five thousand only) in favour of the 2nd respondent by way of a Fixed Deposit Receipt aforesaid shall be subject

to the final orders in the proceedings initiated in Crime No.62 of 2017 on the file of the Bheemini Police Station, Adilabad District.

5. The Writ Petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M.S.RAMACHANDRA RAO, J

Date: 01.05.2018.
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127



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