

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.579 OF 2019

Mehboob Qutubuddin Shaikh

... Petitioner

Vs

The State of Maharashtra & anr.

... Respondents

Mr.S.M. Sabrad for the Petitioner

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 25, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. Rule. Respondents waive notice through their respective Counsel. By consent of the parties, Rule made returnable forthwith and heard finally at the stage of admission itself.
3. In this Writ Petition, the order dated 16.1.2019 passed by the learned Additional Sessions Judge, Niphad below application exhibit 1 in Criminal Miscellaneous Application NO.38 of 2018 is challenged. The said application was filed under section 451 of the Code of Criminal Procedure for release of Mahindra Goods

Carrier Vehicle bearing Registration No.MH-15-DK-3217, chassis No.MA-1FA-2HR-RC-6K-30435 and Engine No.HRC-6K-47634.

4. Heard the learned Counsel for the parties. Perused the impugned order dated 16.1.2019. In my view, the reasoning given by the learned Additional Sessions Judge, Niphad, is illegal and hence, the said order is set aside. Accordingly, the vehicle i.e., Mahindra Goods Carrier Vehicle bearing Registration No.MH-15-DK-3217 be returned to the petitioner upon furnishing an indemnity bond on usual terms which will include a condition that the petitioner shall not dispose of the said vehicle without the permission of the trial Court.

5. Rule made absolute accordingly.

(MRIDULA BHATKAR, J.)