

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6015 OF 2019**

Dinesh Gajendra Bagal
Versus
The State of Maharashtra

...Petitioner

...Respondent

Ms. Manisha A. Devkar for the Petitioner

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondents-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th DECEMBER 2019

P.C. :

1 By this petition, the petitioner has impugned the order dated 19th June 2018 passed by the learned Judicial Magistrate First Class, Malshiraj, below Criminal Misc. Application No. 326/2018, directing the petitioner to furnish bank guarantee of Rs. 7,00,000/- for release of the vehicle as well as the order dated 23rd August 2018 passed in Criminal Revision Application No. 28/2018, by which the learned Additional Sessions Judge, Malshiras, was pleased to confirm the said order.

2 Perused the papers. The petitioner is the owner of a four-wheeler vehicle (Swift Dezire Car) bearing registration No. MH-13-BN-3897. The said vehicle came to be seized in connection with C.R. No. 181/2018 registered with the Akluj Police Station for the alleged offences

punishable under Sections 279, 337, 338, 427, 304A of the Indian Penal Code. The petitioner filed an application for return of his vehicle under Section 457 Cr.P.C. The said application was allowed by the learned Judicial Magistrate First Class, Malshiras, vide order dated 19th June 2018, subject to the condition that the petitioner furnishes Bank Guarantee of Rs. 7,00,000/-. The said order was challenged by the petitioner before the learned Additional Sessions Judge, Malshiras, by filing Criminal Revision Application No. 28/2018. However, the said application was dismissed by the learned Sessions Judge vide order dated 23rd August 2019. Hence, this petition.

3 Learned counsel for the petitioner submits that the condition imposed for release of the vehicle vide clause (2) of the order dated 19th June 2018, is onerous and harsh. She submits that the petitioner is ready to give his personal bond/indemnity bond of Rs. 5,00,000/-. The vehicle is lying idle since May 2018.

4 In the facts, the condition directing the petitioner to furnish bank guarantee of Rs. 7,00,000/- is harsh and onerous. Hence, the impugned orders dated 23rd August 2018 passed in Criminal Revision Application No. 28/2018 by the learned Additional Sessions Judge,

Malshiras as well as order dated 19th June 2018 passed by the learned Judicial Magistrate First Class, Malshiraj, below Criminal Misc. Application No. 326/2018 to the extent that it directs the petitioner to furnish bank guarantee of Rs. 7,00,000/-, are quashed and set-aside. The petitioner shall now furnish an indemnity bond and execute a personal bond for a sum of Rs. 5,00,000/-, within two weeks from the date of its release.

5 Rest of the conditions imposed by the order dated 19th June 2018 to remain as it is.

6 Petition is allowed and disposed of on the aforesaid terms.

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

REVATI MOHITE DERE, J.