

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1745 of 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased 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 passing directing the 3rd respondent to release the Ashok Leyland Dost Truck Jeep bearing Reg.No.TS-26-T-1675 seized in Cr.No.72/2019 inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, and arbitrary and consequently direct the 2nd respondent to order for release of 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.'

3. At the time of hearing, it is brought to the notice of this Court that in a case with identical facts, this Court disposed of many writ petitions and one of such matters has been placed in the material papers at Page No.13 filed along with the writ petition. The petitioner submits that the vehicle may be released subject to giving security in the form of fixed deposit receipts.

4. Therefore, for the reasons alike as were stated, this Writ Petition is disposed of with a direction to the second to release the vehicle Ashok Leyland Dost Truck Jeep bearing Reg.No.TS-26-T-1675 to the petitioner for interim custody subject to the final orders to be passed in the criminal proceedings and on petitioner furnishing a fixed deposit receipt for

Rs.1,00,000/- (Rupees one lakh only) from any Nationalized Bank in favour of the second respondent and also on production of original R.C.Book and on his further giving an undertaking that he will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicle in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed before any Court or competent authority. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date:29.01.2020

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JUSTICE P.KESHAVA RAO

