

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.135 of 2021

- Santosh Sahu, S/o Late Peetambar Sahu, Aged About 57 Years, R/o Village Aalivara, P.S. and Tahsil Dongergarh, District Rajnandgaon, Chhattisgarh

----- Petitioner

Versus

- State of Chhattisgarh, Through District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh

----- Respondent

For Petitioner	Mr. R. K. Thakur, Advocate
For Respondent	Mr. Vinod Tekam, Advocate

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

10/02/2021

1. The petitioner has preferred the instant petition challenging the legality, validity and propriety of the order dated 01.07.2019 passed by the learned Session Judge, Rajnandgaon (C.G.) in Criminal Revision No.37/2019, whereby the Revisional Court has affirmed the order dated 16.04.2019 passed by the learned Chief Judicial Magistrate,

Rajnandgaon in Criminal Case No.1029/2019, by which the Trial Court while allowing the petitioner's application under Section 451 of CrPC for interim custody of the trolley bearing registration No.CG-08-W-2664 imposed a condition of furnishing a bank guarantee of Rs.1,50,000/-.

2. Learned counsel for the petitioner would submit that while granting interim custody of the trolley owned by the petitioner, the learned CJM, Rajnandgaon imposed a condition of furnishing a bank guarantee of Rs.1,50,000/-, which is unreasonable, therefore, the impugned orders may kindly be set aside, so far as it relates to condition No.1.
3. Learned State counsel would support the impugned orders passed by the Courts below.
4. I have heard learned counsel for the parties and perused the records.
5. It appears from the record that imposition of bank guarantee of Rs.1,50,000/- for releasing the trolley owned by the

petitioner is unreasonable and harsh condition and it could not have been done. As such, the impugned orders are set aside so far as it relates to condition No.1 of furnishing a bank guarantee of Rs.1,50,000/-. The vehicle trolley will be released on the remaining conditions of the Trial Court's order i.e. condition Nos.2 to 5, which are as follows:-

- “2. आवेदक स्वयं का फोटो चस्पित एवं नोटरी द्वारा सत्यापित एक लाख पचास हजार रुपये का सुपुर्दनामा प्रस्तुत करे।
3. आवेदक सुपुर्दनामा पर प्राप्त किये जा रहे वाहन को विक्रय, बंधक या गिरवी नहीं रखेगा ।
4. आवेदक वाहन के स्वरूप में परिवर्तन नहीं करेगा ।
5. न्यायालय के द्वारा आदेशित किये जाने पर आवेदक स्वयं के व्यय से आदेशित स्थान पर पेश करेगा ।”

Apart from the above said conditions, the vehicle will be insured within 3 days from the date of release of the vehicle and it will be duly informed to the Trial Court.

6. The writ petition is allowed to the extent indicated above.

Sd/-
Sanjay K. Agrawal
Judge