

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.271 of 2021**

Yashwant Dansena, S/o. Salikram Dansena, aged about 28 years, R/o. Village Bade Dumarपाली, Thana Kharsiya, Distt. Raigarh (CG)

---- Petitioner

Versus

State of Chhattisgarh through Police Station Pusoure Distt. Raigarh (CG)

---- Respondent

For Petitioner	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Shri Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10.3.2021

1. Heard.
2. By the impugned order dated 08.01.2021, the Seventh Additional Sessions Judge, Raigarh allowed the petitioner's application under Section 451 of the CrPC for supurdnama of the seized articles by directing to release the gold ornament and cash of Rs.3 lakhs in favour of the petitioner subject to furnishing bank guarantee to the extent of Rs.4 lakhs along with supardnama of the said amount.
3. Learned counsel for the petitioner would submit that the petitioner is aggrieved by the conditions imposed by the learned revisional Court directing to furnish bank guarantee to the tune of Rs.4 lakh which is stringent and unreasonable.
4. On the other hand, learned counsel for the State would support the

impugned order.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

6. After hearing learned counsel for the parties, I am of the considered opinion that condition imposed by the learned revisional Court directing to furnish bank guarantee to the extent of Rs. 4Lakh is definitely unreasonable and it should not have been imposed against the petitioner. Therefore, order passed by the revisional Court is hereby set aside and it is directed that apart from supurdnama of Rs. 4 lakhs, the petitioner would also produce solvent security to the extent of Rs. 4 lakhs before the trial Court and also file affidavit clearly indicating that he will not alienate or destroy the gold ornament and keep it for production of the same as and when directed by this Court.

7. With the aforesaid direction, the present petition stands disposed of.
No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Bini