

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CRIMINAL WRIT PETITION NO.1675 OF 2020

Anilsingh S/o. Mohansingh Bhadoriya,
Age-50 years, Occu-Business,
R/o. B-453, Anand Nagar, Wahodapur,
Gwalior, Madhya Pradesh

...PETITIONER

VERSUS

The State of Maharashtra,
Through Police Station Vasmat City,
Tq. Vasmat, Dist. Hingoli

...RESPONDENT

Mr. S. R. Bagal, Advocate h/f Mr. B. N. Gadegaonkar, Advocate for
the petitioner
Mr. S. N. Morampalle, APP for the respondent/State

CORAM : SURENDRA P. TAVADE, J.

DATE : 12-08-2021

JUDGMENT :

. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties the matter is taken up for final hearing.

2. This petition is filed for relaxation of conditions imposed by the Additional Sessions Judge by order dated 08-10-2020 in Criminal Revision Application No. 4 of 2020.

3. The petitioner was directed to furnish the local surety of huge amount. Said order is under challenge. Truck of the petitioner bearing No. MP-07-HB-6689 was seized in Crime No. 157 of 2019 registered with Vasmat Police Station for the offences punishable under Sections 328, 188, 272, 273 of the Indian Penal Code and Section 26, 26(2)(iv) and 59 of the Food Safety and Standards Act. The investigation is in progress. The petitioner has filed the Criminal Revision Application No. 4 of 2020 for returning of truck bearing No. MP-07-HB-6689. The said application was allowed by the Additional Sessions Judge on 08-10-2020. The Additional Sessions Judge while returning the said truck imposed the conditions namely;

3. The interim custody of the truck bearing registration No. MH-04/FP-6835 seized in Crime Register No. 157/2019, registered at Basmathnagar (City) Police Station be handed over to the applicant-Anil Singh S/o. Mohan Singh Bhadoriya on his executing a personal bond in the sum of Rs. 16,40,250/- (Rs. Sixteen Lakh Forty Thousand Two Hundred Fifty Only) and one local surety in the sum of Rs. 08,20,125/- (Rs. Eight Lakh Twenty Thousand One hundred and Twenty Five Only), to the satisfaction of the Judicial Magistrate, First Class, Basmathnagar (Court No.1) subject to following conditions;

(3)

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(i) The applicant should produce his original Adhar card and original registration certificate and original insurance policy of the Truck.

(ii) The applicant should not use the truck on road and without paying all the necessary government dues such as road tax, etc. if any.

(iii) The applicant should not transfer, alienate and create any third party interest in the truck in any manner.

(iv) The applicant should not change the colour, nature and appearance of the truck and keep it as it is so as to be identifiable.

(v) The applicant should produce two colour photographs of the truck, which will disclose its full identity.

(vi) The applicant should not use the truck for any illegal purpose or in any other offence.

(vii) The applicant should produce the truck before the court as and when required or ordered to do so.

4. The petitioner was directed to execute the local surety in the sum of Rs. 08,20,125/- and one surety in the like amount to the satisfaction of the Judicial Magistrate, First Class, Basmatnagar. The petitioner was also directed to execute the personal bond in the sum of Rs.16,40,250/-. The petitioner is resident of Wahodpur, Gwalior, Madhyapradesh therefore, he is unable to furnish the local surety. The truck in question was seized on 29-05-2019. It is contended that the said conditions are onerous and difficult for the petitioner to comply with the same.

5. Heard learned APP for the respondent/State. He submits that the petitioner is resident of Madhyapradesh and therefore, there is possibility of his absconding and it is difficult for police to catch him if the situation arises. It is true that the petitioner is from Madhyapradesh. But, it is difficult for him to furnish local surety in the sum of Rs. 8,20,125/-. The petitioner is willing to furnish the surety of Rs. 8,20,125/- from his local area.

6. The cost of truck is around of Rs. 16,00,000/-. Therefore, it would be suffice to allow the petitioner to furnish the surety of his own choice. In other condition the petitioner was directed to furnish the Adhar card which is already in possession of the police. It is also contended that the petitioner is directed to furnish two colour photographs of the truck while returning the truck. Police should allow the petitioner to take photograph of truck in order to produce the same before the Investigating Officer. The

truck in question is in possession for last about two years. Therefore, it is just required to release it as soon as possible. Hence, in my opinion the condition to direct the petitioner to furnish the local surety is onerous and it is difficult for the petitioner, therefore, said condition should be cancelled and petitioner is to be directed to furnish the surety of Rs. 15,00,000/- on his own choice and subject to satisfaction of the Judicial Magistrate, First Class, Basmathnagar. Hence, I pass the following order:

ORDER

- i. The petitioner is directed to furnish the surety in the sum of Rs.15,00,000/- [Rupees Fifteen Lakhs] instead of furnishing two sureties of Rs. 8,20,125/- each.
- ii. Learned Magistrate, First Class, Basmathnagar to accept the surety to the satisfaction.
- iii. The police are directed to allow the petitioner to take photographs of truck before its release.
- iv. The petition is disposed of.
- v. Rule is made absolute.

[SURENDRA P. TAVADE, J.]