

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 746/2021

Salim Babulal Sayyed

Through its Power of Attorney

Holder namely

Vaijanta Shriram Kachare

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * *

Ms. Rekha Musale, Advocate for the applicant.

Smt. Sharmila Kaushik, APP for State.

*Coram : Sandeep K. Shinde, J.**Tuesday, 28th September, 2021.***P.C. :**

1. Heard.
2. In exercise of powers under Section 457 of the Code of the Criminal Procedure, the learned Additional Sessions Judge, Khed-Rajgurunagar, Pune directed to return the Maruti Suzuki Alto bearing Registration Number MH-14-EY-1652 to the complainant on executing indemnity bond and furnishing bank guarantee

of Rs.3,00,000/-. Applicant is aggrieved by the condition whereby he was directed to “furnish bank guarantee”.

3. In consideration of the facts of the case, in my view, the indemnity bond and the Undertaking that the applicant shall produce the car whenever required and called for in the Court, would suffice the purpose and therefore, the direction to furnish the bank guarantee of Rs.3,00,000/- would be onerous and imprudent. Thus, to be struck off and accordingly struck off. In consequence, order dated 26th July, 2021 below Exhibit-9 in Sessions Case No.68/2021 passed by the Additional Sessions Judge, Khed-Rajgurunagar, Pune is modified.

4. Application is allowed in the aforesaid terms and disposed off accordingly.

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(Sandeep K. Shinde, J.)