

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Writ Petition No. 3331 / 2021

Jangbahadur Singh Gujral .. **Petitioner**

Versus.

The State of Maharashtra .. **Respondent**

Mr. Yogesh Israni i/by Mr. Yogesh D. Ambulkar,
Advocate for the Petitioner.

Mr. A.R. Patil, APP for State.

Mr. G.R. Jadhav, P.S.I., N.M. Joshi Marg Police
Station.

CORAM : SANDEEP K. SHINDE J.

DATE : 25th NOVEMBER, 2021.

P.C. : -

1. Learned Magistrate in exercise of powers under Section 457 of the Code of Criminal Procedure, 1973, directed to release the 'car' seized in the course of the investigation in favour of the Petitioner-Accused against indemnity bond in sum of Rs. 2 Crores with additional conditions; "that in case,

sale of property (car in question) by the Petitioner, he shall submit an affidavit of the purchaser, contending that all the above conditions shall bind the legal purchaser." This additional condition being 'onerous', Petitioner assailed it in the petition.

2. At the material time, when the crime was registered against the Applicant, the car in question was not registered under the Motor Vehicles Act. Prosecution case is that the Applicant had attached the number plate of another vehicle, to project unregistered vehicle as registered. As of now, the car is registered under the Motor Vehicles Act. This fact is not in dispute.

3. In consideration of the facts of the case, in my view, Bond in the sum of Rs. 2 Crores would suffice the 'purpose' and thus 'additional condition' imposed i.e. Condition No.3 in order dated 20th

January, 2021, in my view, being onerous, could be set aside.

4. In consideration of the facts, the Condition No.3 imposed in order dated 20th January, 2021 in Miscellaneous Application No. 119/2021 in Crime No. 21/2021 registered with N.M. Joshi Marg Police Station, stands deleted and order dated 20th January, 2021 stands modified to that extent.

5. The Writ Petition is allowed in the aforesaid terms and disposed of.

(SANDEEP K. SHINDE, J.)

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by MOHAMMAD
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Date: 2021.11.27
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