

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

929 CRIMINAL APPLICATION NO.2850 OF 2022

IN REVN/66/2021

SHRIRAM BABURAO BIRHARE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bayas Anandsingh.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.

DATE : 12.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Learned counsel for the applicant would submit that as per order of this Court, dated 31.03.2022, in Criminal Revision Application No.66 of 2021, he has tried his level best to arrange for the bank guarantee for releasing the amount of Rs.7,42,400/-, seized by the police. However, for the bank guarantee, the applicant had to deposit the money with bank, and then only, the bank furnish the guarantee. The applicant has no hard cash to secure the bank guarantee, as ordered by this Court. However, he has a bungalow, situated at Kesharsinghpura, Aurangabad exclusively owned by him. There

were no encumbrances on the said house. It is free from any charge. Therefore, instead of bank guarantee, he wanted to furnish guarantee of immovable property. He placed the copy of the sale deed on record.

3. Learned APP would submit that the applicant had a disproportionate property. Therefore, he may be able to furnish the bank guarantee as per the direction of this Court.

4. There appears force in the submissions of the learned counsel for the applicant that for bank guarantee, he has to deposit the amount with the bank. Possibility of having no cash to secure the bank guarantee, cannot be ruled out. Furnishing the guarantee of immovable property may also serve the purpose. It is not in dispute that nobody except the applicant, is claiming the interest in the seized currency notes. It would also not appropriate to allow the cash lying with the police. Hence, the condition imposing to furnish the bank guarantee for releasing Rs.7,42,400/- may be modified. The application may be allowed. Hence, the following order :

ORDER

- (i) Application is allowed.

- (ii) Condition No.(iii) in the order dated 31.03.2022 is modified in the following terms :

“Amount of Rs.7,42,400/- be paid to the applicant on the condition of furnishing the guarantee of his immovable property i.e. the bungalow situated at Kesharsinghpura, described in the sale deed dated 25.08.2003 placed on the record and on furnishing the guarantee of his immovable property, the Investigating Officer shall release the amount by drawing the panchnama under video shooting in the presence of two panchas.”

(S. G. MEHARE, J.)

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vmk/-