

Application No.44 of 2020.

4. The condition of which modification is sought, reads thus:-

“09.

- 2) The condition in Clause (B) in the operative part of the impugned order is modified. In case the petitioner deposits the amount of Rs.7,50,000/- (Seven lakh fifty thousand) as per order passed by the Tahsildar, Akkalkot, within a period of 15 days from the date of this order, the seized JCB Machine be released in favour of the petitioner. Such deposit with the Revenue Authorities by the petitioner would be without prejudice to the rights and contentions of either parties, and it shall not be taken as acceptance of commission of crime by the petitioner.”

5. Perused the papers. The applicant had filed an application under Section 457 of the Code of Criminal Procedure seeking interim custody of his vehicle i.e. Mahindra Earth Master SX-HD vehicle seized by Akkalkot North Police Station, Akkalkot in C.R. No.21 of 2020. The offence alleged was one under Section 379 of the Indian Penal Code. The said application was allowed by the learned Judicial Magistrate First Class, Akkalkot, District – Solapur, on certain terms and conditions i.e. ‘B’ to ‘J’. The said order is passed below Criminal M.A. No.288 of 2020. The applicant being aggrieved by the two conditions imposed by the learned

Magistrate, whilst allowing the applicant's application seeking interim custody of the vehicle i.e. Mahindra Earth Master SX-HD i.e. Clause – 'B' and Clause - 'E' filed a Criminal Revision Application being Criminal Revision Application No.44 of 2020, before the learned Sessions Judge, Solapur. The learned Sessions Judge, Solapur, vide order dated 4th March 2021 partly allowed the said Revision Application, inasmuch as, the learned Judge quashed Clause – E in the operative part of the impugned order dated 5th October 2020 and modified Clause – B in the operative part of the impugned order dated 5th October 2020. A perusal of Clause – B shows that the learned Magistrate whilst releasing the vehicle had directed the applicant to execute Indemnity Bond of Rs.20,00,000/- as well as to furnish one or more solvent sureties of Rs.20,00,000/-. The learned Sessions Judge, Solapur, modified the said condition and instead directed the applicant to deposit Rs.7,50,000/- as per the order passed by the Tahsildar, Akkalkot, within a period of 15 days from the date of the order. Learned Counsel for the applicant submits that the applicant is aggrieved by the said order directing deposit of Rs.7,50,000/-. He submits that the applicant is ready to give an Indemnity Bond of Rs.20,00,000/-, before the Court.

6. Accordingly, clause - 2 of para 09 of the order dated 4th March 2021, passed by the learned Sessions Judge, Solapur in Criminal Revision Application No.44 of 2020 as well as Clause – B of the impugned order dated 5th October 2020, passed by the learned Judicial Magistrate First Class, Akkalkot, District – Solapur, stands modified as under:-

ORDER

- i) The applicant shall execute an Indemnity Bond of Rs.20,00,000/- before the trial Court;
- ii) On executing of the said Indemnity Bond of Rs.20,00,000/-, the trial Court shall direct the police/Tahsildar in whosoever custody the vehicle is, to immediately release the applicant's vehicle i.e. Mahindra Earth Master SX-HD vehicle;
- iii) Rest of the conditions imposed vide order dated 5th October 2020, shall remain as it is.

7. Rule is made absolute on the aforesaid terms. Application is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.