

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

CRIMINAL WRIT PETITION NO.1016 OF 2023

**UDAYSING LALA PAWARA
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. A. Kulkarni, Advocate for the petitioner
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2023

P.C. :-

1. This petition takes exception to the order dated 3rd July, 2023 passed by learned Addl. Sessions Judge, Shahada in Criminal Revision Application No. 2 of 2023 whereby the petitioner is directed to furnish indemnity bond of Rs.2 lakhs with additional bank guarantee or cash surety of Rs. 50,000/- for the purpose of release of concerned vehicle.
2. Learned counsel for the petitioner submits that he does not possess financial capacity to give additional bank guarantee of Rs.50,000/- or cash surety in the like amount. He, therefore, makes statement, on instructions, that he is ready to deposit cash of Rs.25,000/- towards surety in addition to indemnity bond of Rs.2 lakhs.
3. Learned APP opposed the said contention by submitting that the offence vehicle in question was used for transportation of illicit liquor and

hence it is not a fit case to modify the order.

4. The order passed by the learned JMFC as well as learned Addl. Sessions Judge clearly indicate that the petitioner herein is owner of vehicle. Hence order of return of the vehicle has been passed, by directing the applicant to furnish indemnity bond of Rs. 2 lakhs. It is secured by the both Courts below that the vehicle in question would be made available during the course of trial. This Court finds that having regard to the nature of crime and vehicle being used therefore, additional condition of bank guarantee of Rs.50,000/- or cash surety in the said like amount was imposed. Having regard to facts of the case, and since a adequate condition is already imposed to ensure availability of vehicle, during trial, this Court finds no reason to deny the request made by the learned counsel for the petitioner that deposit of cash of Rs.25,000/- in addition to furnishing indemnity bond of Rs. 2 lakhs and modify order accordingly.

5. In view of this, the impugned order dated 3rd July, 2023 stands modified. The additional bank guarantee or cash surety of Rs.50,000 is reduced to Rs.25,000/-. Rest of the conditions of impugned order to remain intact.

(R. M. JOSHI, J.)

ssp