

sg

1/2

43.apl1322-22.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1322 OF 2022

Padmaja Bhimrao Mali .. Applicant

v/s.

The State of Maharashtra .. Respondent

....

Mr. Jitesh Mundhwa, a/w. Ms. Sakshi Kadam and Ms. Gargi Joshi, i/b.
Mr. Kedar Patil, for the Applicant.

Mr. Arfan Sait, APP, for State.

....

CORAM: R.G. AVACHAT, J.

DATE : 23 JANUARY 2023.

P.C:-

Heard.

2. The challenge in this application is to the order dated 8 October 2021 passed by Adhoc District Judge and Additional Sessions Judge, Kolhapur, directing the Applicant to furnish bank guarantee in the sum of Rs.5,00,000/-, as against return of her car, allegedly involved in commission of the crime in question.

3. It is a case for offences punishable under Sections 315, 419, 420, 34 of Indian Penal Code and Section 33 and 33A of the

Maharashtra Medical Practitioners Act, 1961. Admittedly, the Applicant is not an accused in the case. Her car is alleged to have been used for the commission of offence. The offence pertained to the sex determination test. As per the case of the prosecution, the concerned persons had travelled in the car belonging to the Applicant and, hence, it was seized by the Investigating Officer.

4. Considering the nature of alleged offence and the fact that the Applicant is not an accused, a condition directing to furnish bank guarantee of Rs.5,00,000/- is hereby withdrawn. The Applicant shall furnish an usual undertaking before the trial court that she will produce the car, as and when required, or the amount equal to the value of the car, i.e. Rs.5,00,000/-.

5. Application stands disposed of.

(R.G. AVACHAT, J.)