

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APPW) NO. 461 OF 2018****IN****CRIMINAL WRIT PETITION NO. 1083 OF 2014**

M/s. Yadav Transport

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Minal Chandnani a/w Adv. Zoheb Merchant for the Applicant.

Ms. Mahalakshmi Ganpathy APP, for the Respondent-State.

Mr. Ranjit S. Jadhav, PSI, A.P.M.C. Police Station, Navi Mumbai present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 30th OCTOBER, 2023.****P.C.:-**

1) This is an Application for permission to sell two vehicles more specifically mentioned in paragraph No.1 of the Application.

1.1) Record indicates that, by an Order dated 1st August, 2013 passed below Exh-5 in Criminal Appeal No.76 of 2013, the trial Court had directed to release the said two vehicles on the condition, Appellant furnishing Indemnity Bond of Rs.15 lacks.

Learned counsel for the Applicant/Appellant submitted that, the Applicant has already furnished the said bond.

1.2) The other conditions mentioned in the said Order dated 1st August, 2013 are as under:-

- “I. The appellant should produce the said vehicles (tanker and jeep in question) as and when called by the investigating officer and the trial Court.*
- II. He should keep those vehicles in road-worthy condition till the decision of the case.*
- III. He should not dispose off those vehicles till the decision of the case.*
- IV. He should undertake that the vehicle should not be used in any illegal activity.*
- V. He should furnish indemnity bond before the concerned trial Court.”*

2) Learned counsel for the Applicant submitted that, as per the prevalent law, rules and regulations prescribed under the Motor Vehicles Act, the said two vehicles have completed their life and needs to be disposed off. She submitted that, this Court while admitting the Petition has continued the said relief granted by the trial Court and it is still in existence and therefore the other conditions mentioned in Order dated 1st August, 2013 be modified suitably.

3) Learned APP on instructions from Mr. Jadhav, PSI, A.P.M.C. Police Station, Navi Mumbai submitted that, the Investigating Agency i.e. Respondent No.1 has no objection if the Petitioner is permitted to dispose off the said two vehicles. However, the Petitioner may be directed to furnish a fresh Indemnity Bond, as was directed by the trial Court.

4) In view of the above, we permit the Petitioner to sell the said two vehicles mentioned in Paragraph No.1 of the Application on the condition that, the Applicant/Appellant shall furnish a fresh Indemnity Bond of Rs.15,00,000/- in the Registry of this Court within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court.

5) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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