

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2696 OF 2024

Shahasaifudin Shamshuddin

....Petitioner

V/S.

The State of Maharashtra
through Forest Range Officer,
Patane, Tal.Chandgad, Dist.-
Kolhapur

....Respondent

Mr. Bharat Gadhavi with *Ms Mansi Dande, Aniket Shitole and Mr. Pratik Ingale i/b. Ms Seema Patil for the Petitioner.*

Ms Shilpa G. Talhar, *APP for the Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 23 July 2024.

P.C. :

1) This Criminal Writ Petition is filed under the provisions of Article 227 of the Constitution of India aggrieved by imposition of condition of furnishing solvency of Rs.5,00,000/- for release of Petitioner's car by the Judicial Magistrate, First Class, Chandgad, in order dated 24 March 2023.

2) It appears that the Petitioner applied to the learned Magistrate for deletion of the said condition of furnishing solvency of Rs.5,00,000/- on the

ground that since the Petitioner is an ordinary resident of Karnataka, he is unable to procure the solvency certificate from State of Maharashtra. The learned Magistrate has proceeded to reject the application principally on the ground that there is no provision under which he could recall his own order. The learned Magistrate has expressed that the Petitioner needs to challenge the order imposing condition before the Appellate Court.

3) I have heard Mr. Gadhavi, the learned counsel appearing for Petitioner and Ms Talhar, the learned APP for the Respondent -State.

4) After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that learned Magistrate has already directed release of Petitioner's car during pendency of investigation and enquiry into the crime. The learned Magistrate has already imposed condition of execution of indemnity bond of Rs.10,00,000/-, which the Petitioner is ready to comply with. The only difficulty expressed by Petitioner is with regard to condition of furnishing solvency of Rs.5,00,000/-. Petitioner is an ordinary resident of State of Karnataka and is unable to procure solvency certificate in the State of Maharashtra.

5) Considering the peculiar facts and circumstances of the present case, I am of the view that since Petitioner is ready to comply with the condition of execution of indemnity bond in the amount of Rs.10,00,000/-, it is not necessary that the Petitioner also furnishes solvency of Rs.5,00,000/- as directed in the order dated 24 March 2023.

6) Accordingly, the condition imposing solvency of Rs.5,00,000/- by order dated 24 March 2023 shall stand deleted. It is however, clarified that all other conditions imposed by the learned Magistrate in the order dated 24 March 2023 shall continue to operate.

7) With the above directions, Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]