



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.192 OF 2024

Badal S/o Chintaman Mehar,
Aged about 40 years, Occ. Business,
R/o Thana, Jawahar Nagar, Tah. Dist.
Bhandara.

...PETITIONER

...V E R S U S...

State of Maharashtra,
Through Police Station Officer,
Jawaharnagar, Tahsil and District Bhandara. **...RESPONDENT**

Shri A.M Gedam, Advocate for petitioner.
Ms Sneha Dhote, APP for respondent/State.

CORAM: M.W. CHANDWANI, J.
DATED : 19.03.2024

ORAL JUDGMENT:

. **Rule.** Rule is made returnable forthwith. Heard finally
with the consent of learned counsel appearing for the parties.

2. The petition challenges order dated 25.04.2023 passed
by the learned Judicial Magistrate First Class, Bhandara in Misc.
Criminal Application No.154/2023 thereby rejecting application of
the applicant for direction to handover the possession of car
bearing registration No.MH40/AC-9147 seized in Crime
No.84/2023. The petitioner also lays challenge to the order dated
27.06.2023 passed by the Sessions Judge, Bhandara in Criminal
Revision No.18/2023.

3. Heard learned counsel for the petitioner as well as learned APP for the respondent.

4. The learned Magistrate rejected the application of the petitioner on the ground that earlier also similar offence was registered against the petitioner vide Crime No.114/2022, which was suppressed by the petitioner.

5. The petitioner has produced certified copy of the order dated 29.04.2023, whereby proceedings in Summary Criminal Case No.807/2022 has been stopped by the learned Magistrate.

6. Learned APP submits that two separate crimes are pending against the petitioner out of which, in one crime he has been acquitted. Thus, as on today, apart from the present crime, another Crime No.53/2022 is also pending against the petitioner.

7. Be that as it may, in both cases there are allegations, which are yet to be proved. Even otherwise if the petitioner has breached any condition in earlier criminal case, the bail bond executed by the petitioner can be forfeited by taking appropriate action.

8. In my view, as of today, allegations of commission of crime with the help of vehicle are only on the basis of first information report. These are simple allegations which are

required to be proved by the prosecution. The trial will take considerable time, till then, it is not desirable to keep the said vehicle in idle condition for indefinite period as held in *Sunderbhai Ambalal Desai Vs. State of Gujarat*¹.

9. In view thereof, order dated 25.04.2023 passed by learned the Judicial Magistrate First Class, Bhandara below Exhibit-1 in Criminal Miscellaneous Application No.154/2023 as well as order dated 27.06.2023 passed by the learned Sessions Judge, Bhandara in Criminal Revision No.18/2023 are hereby quashed and set aside.

10. It is always open for the learned Magistrate to take action for alleged forfeiture of the bond and if he finds that the condition of the bond is breached, he can impose penalty in his discretion in accordance with law.

11. For the aforesaid reasons, I proceed to pass the following order:

ORDER

The vehicle/car bearing registration No.MH40/AC-9147 shall be released on execution of bond of Rs.5,00,000/- (Rs. Five Lakh only) with following conditions.

- i. He shall not part with possession of the car in any

¹ AIR 2003 SC 638

manner without prior permission of the trial Court.

- ii. He shall not change description of the car.
- iii. He shall produce the car before the trial Court at any time as may be required by the trial Court.
- iv. The investigating officer to take photographs of the car and to prepare detailed panchanama before releasing car.

Rule is made absolute in above terms.

JUDGE

Wagh