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

62 CRIMINAL WRIT PETITION NO. 527 OF 2025

RAJENDRA KASHINATH SHINDE

VERSUS

THE STATE OF MAHARASHTRA

Mr.C.V. Dharurkar, Advocate for the petitioner.

Ms.A.S.Deshmukh, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 24.07.2025

PC :-

01. Heard learned Advocate for the petitioner and learned APP for the respondent-State. This petition is taken up for final disposal at the stage of admission.

02. Challenge in short in this petition is to a condition imposed by the learned JMFC while passing an order of releasing vehicle of the petitioner in his favour. The vehicle of the petitioner - a pick-up van found involved in an accident, where one lady lost her life. The offence came to be registered against the present petitioner. The vehicle of the petitioner i.e. Mahindra Pick bearing registration No. MH-42-B-4104 came to be seized. The petitioner, therefore, filed application under

section 503 of the Bhartiya Nagrik Suraksha Sanhita for release of the vehicle. The learned Trial Judge allowed the application bearing Cri.M.A. No. 215 of 2024 on certain conditions. Condition No.6 is that the applicant should deposit an amount of Rs. 12 lakhs in fixed deposit in any bank and to give undertaking of the same amount, so that the care of the relief in application seeking compensation can be taken. Condition No.7 is that if the petitioner is unable to fix the amount of Rs. 12 lakhs, then he should give personal bond of the same amount and on failure, the vehicle is directed to be disposed off and the amount be kept in fixed deposit to pay the compensation.

03. The petitioner challenged this order dated 26.11.2024 passed by the JMFC, Nevasa by filing revision in the Court of learned Sessions Judge, Rahata, bearing Criminal Revision No. 15 of 2024. The learned Sessions Judge, however, dismissed the revision with costs. The petitioner is therefore before this Court.

04. Learned Advocate for the petitioner submits that condition Nos. 6 and 7 are unwarranted. Those are exorbitant. The petitioner is not in a position to keep the amount in fixed deposit. Therefore, said condition Nos. 6 and 7 deserve to be quashed and set aside.

05. Learned APP opposes the petition. He submits that the driver of the vehicle was not having valid licence when the accident took place and the vehicle is also not insured. Thus, if any order is passed in any proceeding for damages or for compensation, then the petitioner has to pay the said amount. It is for this reason, necessary care needs to be taken of the interest of the person seeking compensation. The learned Trial Court has therefore passed just and reasonable order. The Reivisional Court has rightly confirmed the said order.

06. Heard learned Advocates for the parties. The object of the condition as seen in the order itself is to protect interest of a person in case compensation is directed to be paid. However, for that purpose, it may not be necessary to keep the actual amount in fixed deposit. It would be sufficient to take personal bond from the petitioner, for the amount of Rs. 12 lakhs. Therefore, the conditions Nos. 6 and 7 are modified as below :-

07. The vehicle in question bearing No. MH-42-B-4104 be released on petitioner's executing personal bond in the sum of Rs. 12,00,000/- (Rupees Twelve Lakhs). In addition, the petitioner shall also

furnish security/security for the same amount to the satisfaction of the concerned Court to secure interest of the parties. The personal bond and indemnity bond shall be executed in the Trial Court and the same shall remain in force till the trial of such proceeding is pending or in case there is any order directing payment of compensation, till the said amount is satisfied.

08. This criminal writ petition is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]