



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1498 OF 2025

Ganesh Gorakshanath Jadhav,
age. 35 years, Occu. Agriculture & Business,
R/o: Shingave, Taluka Nagar,
District Ahmednagar (Ahilayanagar)

...Petitioner

Versus

The State of Maharashtra,
Through Police Inspector,
M.I.D.C. Police Station, Ahmednagar,
Taluka and District Ahmednagar.

...Respondent

...

Advocate for Petitioner : Mr. Apparao Bhimrao Kharosekar
APP for Respondent : Mr. K.S. Hoke Patil

...

CORAM : ABHAY J. MANTRI, J.
DATE : 04th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the learned advocates for the parties at the admission stage.
2. Petitioner/owner of the vehicle has preferred this petition challenging the order dated 09.05.2023, passed by learned Additional Chief Judicial Magistrate, Ahmednagar, (for short the '*learned Magistrate*') in Regular Criminal Case No. 1810/2022, to the extent of condition no.2 imposed by the learned Magistrate and directed to release the vehicle to him.

3. Learned Advocate for the petitioner vehemently contended that the petition is covered by the Judgment and orders passed by this Court in *Pravin S/o. Eknath Solanke V State of Maharashtra*, in Criminal Writ Petition No. 35/2021 dated 22.01.2021, *Moula S/o. Rajebhai Baluragi V State of Maharashtra*, in Criminal Writ Petition No. 3397/2021 dated 07.03.2022, and *Balasaheb S/o. Raosaheb Sapkal V The State of Maharashtra*, in Criminal Writ Petition No. 80/2025 dated 15.04.2025, and, therefore, he urged that in view of the mandate in the above judgment and orders, the petition be allowed.

4. In response, learned APP does not dispute the mandate laid down in the above-cited judgments and, therefore, submitted to the order of the Court.

5. I have perused the impugned order and record, as well as the judgments and orders relied upon by the learned Advocate for the petitioner. It appears that learned Magistrate, vide order dated 09.05.2023, passed an order releasing the vehicle, i.e., Dumper bearing no. MH 43-Y-4290 on executing the indemnity bond and supurtnama of the amount of Rs. 15 Lakhs, and also imposed condition no. 2 which reads thus :

“२. सहाय्यक पोलिस निरीक्षक, एम आय डी सी पोलिस ठाणे, अहमदनगर यांना निर्देशित करण्यात येते की, प्रस्तुत प्रकरणातील वाहन क्रमांक, वाहन मालकाचे नाव व पत्ता तसेच प्रथम खबरी अहवालाची प्रत तहसीलदार, अहमदनगर यांना महाराष्ट्र महसूल अधिनियमाचे कलम ४८ प्रमाणे योग्य त्या कार्यवाहीसाठी तत्काळ द्यावेत.

त्यानंतर तहसीलदार त्यांनी महाराष्ट्र महसूल अधिनियमानुसार रॉयल्टीचे दंडात्मक रकमेबाबतचे आदेश पारित केल्यास ती रक्कम शासनाकडे अर्जदाराने जमा केल्यानंतरच सदरचे वाहन उपरोक्त आदेशाप्रमाणे अर्जदाराच्या ताब्यात द्यावे.”

6. Considering the mandate in judgment and orders passed by this Court in the above-relied judgments, it appears that the condition no. 2 imposed by the learned Magistrate is uncalled for, and the same cannot be legally put while considering the application under Section 457 of the Code of Criminal Procedure. As such, in my view, the same cannot be sustained in the eyes of the law.

7. As a result, the Criminal Writ Petition is allowed in terms of prayer clause ‘B’, and thereby, condition no. 2 imposed by the learned Magistrate is hereby quashed and set aside. Rule is made absolute. No order as to costs.

(ABHAY J. MANTRI, J.)