

Dated :05.11.2022

ORDER

This revision petition is filed by the petitioner U/s.397 CrPC praying for setting aside the order dated 24.11.2021 passed in M.A.G.C.R 70/2021-22 for relaxation of the condition No.2 imposed by the Hon'ble Assistant Commissioner, Kollegal and to direct the respondent police to release the said Tata Ace Zip goods vehicle bearing registration No.KA-10-A-5120 which was seized in Crime No.101/2020 for interim custody of the revision petitioner.

2. According to the petitioner, this vehicle was seized by the police in Crime No.101/2020 hence for release of the vehicle for interim custody, this revision petitioner filed an application before the Hon'ble Assistant Commissioner and the Hon'ble Assistant Commissioner passed an order for release of the vehicle with conditions. Condition No.2 is for providing bank guarantee of Rs.1,00,000/-. According to the petitioner, he has no source of income other than this vehicle and he is not in condition to provide bank guarantee, hence prays for relaxing the said condition No.2.

3. Heard both sides.

4. Since the vehicle has to be released to the custody of the petitioner till disposal of that case, I feel that instead of taking bank guarantee it is necessary to take only the indemnity bond and surety bond for release of the vehicle. Hence I feel it necessary to relax the said condition No.2 as prayed. Hence, I pass the following:-

ORDER

Petition allowed. The condition No.2 imposed by the Hon'ble Assistant Commissioner in the order M.A.G.C.R 70/2021-22 dated 24.11.2021 for providing bank guarantee for Rs.1,00,000/- for release of the vehicle Tata Ace Zip goods vehicle bearing registration No.KA-10-A-5120 which was seized in Crime No.101/2020 under PF No.81/2020 is modified as prayed.

However, the other conditions are not altered. However, the petitioner has to execute indemnity bond for Rs.1,00,000/- and to provide one surety to the like sum to the satisfaction of Assistant Commissioner, Kollegal for the release of the vehicle to the petitioner till disposal of the said case which is pending.

(Dictated to the Stenographer in the open Court on 05.11.2022 by pronouncing the same and thereafter same was typed by him and corrected by me and signed by me on 05.11.2022.)

(B.S.BHARATHI)

Prl.District and Sessions Judge,
Chamarajanagar