

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 3967/2024

Chena Ram Jat S/o Ghisa Ram, Aged About 49 Years, R/o Jato
Ka Bas, Village Binawas, Tehsil Bilara, Dist. Jodhpur

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Shailendra Gwala

For Respondent(s) : Mr. A.R. Choudhary, PP

**HON'BLE MS. JUSTICE REKHA BORANA (VACATION JUDGE)
Order**

28/06/2024

1. The petitioner has preferred this criminal misc. petition under Section 482 Cr.P.C. against the order dated 28.05.2024 passed by the learned Additional Sessions Judge, Bilara in Criminal Revision No.11/2024 upholding the order dated 19.04.2024 passed by learned Civil and Judicial Magistrate, Bilara whereby learned trial court directed the petitioner to deposit a Bank Guarantee of Rs.4,08,100/- for release of vehicle Dumper bearing registration No. RJ-19-GF-7943 on supurdginama.

2. I have heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. In view of the guidelines issued by Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***2002 (10) SCC 283***, this Court deems it fit to allow this misc. petition.

4. Accordingly, the instant misc. petition is **allowed** and the order dated 28.05.2024 as well as order dated 19.04.2024 is

hereby quashed and set aside and the JCB bearing registration No. RJ-19-GF-7943 is ordered to be released on 'supardgi' till the completion of the trial upon following conditions:-

- (a) the petitioner furnishes a personal bond in the sum of Rs.5,00,000/- with two sureties of Rs. 2,50,000/- each to the satisfaction of the trial Court undertaking to produce the vehicle in the Court as and when required to do so.
- (b) the petitioner shall get the vehicle photographed showing the registration number as well as the chassis number. Such photograph shall be taken in the presence of the Investigating Officer, to be kept in the file of the case.
- (c) the personal bonds of the petitioner and bonds of sureties shall carry the photographs of the petitioner and his sureties and the bond of sureties shall further carry the photograph of persons identifying them before the Court which is with full residential particulars of the sureties and the persons identifying them.
- (d) the petitioner shall undertake not to transfer the ownership of the vehicle and not to lease it to anyone and not to make or allow any changes in it to be made so as to make unidentifiable.
- (e) the petitioner will not allow the said vehicle to be used for any antisocial activities including for the purpose of carrying narcotics which may constitute offence under the NDPS Act."

(REKHA BORANA),VJ