

# **Mahesh Mansukhbhai Dholaria vs State Of Gujarat on 19 August, 2019**

**Author: A. S. Supehia**

**Bench: A.S. Supehia**

R/SCR.A/7806/2019

ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 7806 of 2019

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MAHESH MANSUKHBHAI DHOLARIA

Versus

STATE OF GUJARAT

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Appearance:

MS. KRUTI M SHAH(2428) for the Applicant(s) No. 1

DS AFF.NOT FILED (N)(11) for the Respondent(s) No. 2

MS MONALI BHATT, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE A.S. SUPEHIA

Date : 19/08/2019

ORAL ORDER

1. Rule. Learned Additional Public Prosecutor wavier service of notice of Rule for and on behalf of the respondent State.

2. The present writ petition is filed for quashing and setting aside the order dated 24.06.2019 passed by Additional Chief Judicial Magistrate, Veraval in an application made under Section 451 and order dated 11.07.2019 passed by the 5th Ad hoc Additional District Judge, Veraval at Gir Somnath in Revision Application No.22 of 2019 by deleting condition of furnishing bank guarantee from nationalized bank to the tune of 1.5 times the value of the Vehicle and to direct the respondent to release the Vehicle bearing registration No. GJ 32 T 3530.

3. I have heard the learned advocates for the respective parties. I have gone through the impugned orders dated 24.06.2019 passed by Additional Chief R/SCR.A/7806/2019 ORDER Judicial Magistrate, Veraval and the order dated 11.07.2019 passed by the 5th Ad hoc Additional District Judge, Veraval at Gir Somnath, this Court deems it proper to hand over the custody of vehicle bearing registration No. GJ 32 T 3530 upon furnishing solvent surety of Rs. 8,00,000/- (Rupees: Eight Lakhs Only) and further the accused owner shall not transfer the said vehicle till the final disposal of the present proceedings by way of selling or mortgaging or by any other manner and he

shall make available the possession of the said vehicle as and when the officials of the concerned department or the Judicial Magistrate directs to do so, on that condition only, the order passed by Additional Chief Judicial Magistrate, Veraval and 5th Ad hoc Additional District Judge, Veraval at Gir Somnath, shall stand modified to the aforesaid extent.

4. The writ petition is partly allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(A. S. SUPEHIA, J) NVMEWADA