

ORDER BELOW EXH.1 IN CRI.MA NO. 23/2016

1] This is an application filed by the applicant Ajinath Prabhu Bhogal the owner of the vehicle for releasing the vehicle Swift car No. MH 14 FG 7999. It is contended that, said vehicle is attached by Dehuroad police station in connection with the crime no. 74/2016 of the offence punishable under sections 376(2) (G) of I.P.Code and under section 6 of the Protection of Children From Sexual Offences Act, 2012.

2] Applicant is the original owner of the above said vehicle. He is in need of the vehicle for day to day use. If it is unused, it will get damage. Hence, this is the application for releasing the vehicle.

3] The application is opposed by the concerned police. It is submitted that the vehicle is used in the crime. The investigation is yet to complete. Possibility of tampering with the said evidence cannot be ruled out. Rejection is thus prayed for.

3] Heard the Ld. counsel for the applicant. Perused the documents I.e R.T.O receipt, copy of insurance of the vehicle and invoice bill of vehicle in the name of applicant. Certainly if the vehicle is not given, there is possibility of damaging the vehicle. Moreover, the vehicle is not required for the purpose of investigation. Hence, I am of the view that there is no hurdle in releasing the vehicle to applicant on some conditions as under. With this, I proceed to pass the following order.

ORDER

1] Application is allowed.

2] Senior Police Inspector, Dehuroad police station is hereby directed to hand over the vehicle Swift car bearing No. MH 14 FG 7999 Chasis no MA3FHEB1S00970721 Engine No.D13A0599138, to the applicant Shri. Ajitnath Prabhu Bhogal on his furnishing a Suprutnama bond of Rs. 5,50,000/-(Five Lacs Fifty Thousand only) before the court subject to condition that, he shall not change the nature of the vehicle and shall cooperate the police for the purpose of investigation until the trial is over.

Date :28-04-2016

(Mangala J.Dhote)
Additional Sessions Judge,Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno. :- Mrs. Duraphe,
Court Name:- Smt.Mangala J Dhote, Additional Sessions Judge, Pune