

CNR No. MHTH170025692026



Order Below Exh.1 in O.M.A. No.191/2026
(Sharmila Rajesh Yadav and Anr. Vs. State through Boisar Police Station)

(1) The present application is preferred by the Applicants No. 1 Smt. Sharmila Rajesh Yadav and No. 2 Mayank Rajesh Yadav *vide* Section 503 of BNSS for release of property being vehicle Hero motorcycle bearing registration number MH-48-BY-4191, engine No. HA11EYL5K16545, chassis No. MBLHAW124L5K95601 (hereinafter "*said muddemal*") seized in C.R.No.142/2026 (hereinafter "*said C.R.*") registered with the Boisar Police Station for the offence punishable under Sections 303(2) of BNS. Applicant No. 1 is mother of the informant i.e. applicant No. 2. Say of Investigating Officer (I.O.) and the Ld. A.P.P. was called. Seizure panchanama was called. Say of accused was called.

(2) Perused Application and the documents tendered filed alongwith Exh. 3, 7 and 8 viz. photocopy of FIR, verified copy of RC Book, photocopy of insurance and verified copy Aadhaar Cards of both applicant. RC Book mentions the name of the Applicant No. 1. Perused say of I.O. Perused say of Ld. A.P.P. Shri. R.B.Sankhe and accused. Heard Ld. Advocate for the Applicant and Ld. A.P.P. for the State.

(3) *Vide* the present application, it is submitted that, the Applicant No. 1 is the owner and possessor of the said vehicle. That, applicant No. 2 is dependent on the said vehicle for daily work and travel. That, if the said vehicle is left unused, it will be subject to decay and wastage. That, Applicant will

abide by the conditions. Hence, it is prayed that, the present application may kindly be allowed.

(4) Ld. A.P.P. has submitted that, the applicant has not filed original RC Book and insurance documents of the said vehicle. Therefore, this application may kindly be rejected. Eventually, copies were submitted.

(5) The I.O. (Exh.4) has submitted that, in the event the said muddemal is returned, the Applicant may kindly be directed to produce the same when called and necessary conditions may be imposed.

(6) Through his say (Exh. 6), accused Pradip Somnath Banarjee has filed no objection to return the said muddemal to the applicant.

(7) Perused record before me, and considered arguments.

(8) Based on the documents given on record, i.e. vehicle particulars of the said vehicle, it appears that being the owner, the Applicant No. 1 is *prima facie* entitled to the temporary possession as the owner of the said muddemal, subject to the final orders and judgment of the Court before which trial will be conducted. I do find merit in the arguments of the Ld. Advocate for the Applicant that, leaving the said vehicle unused is likely to subject it to decay, corrosion, etc. The value of the said vehicle is mentioned as Rs.20,000/- in the application and FIR. Considering the said gravity and apprehensions raised by Ld. A.P.P. and I.O., the necessary amount of bond will be taken from the Applicant. The Applicant will also have to submit valid insurance. In these circumstances:-

ORDER

- 1] The Application is allowed subject to conditions.
- 2] The said property (*muddemal*) namely Hero motorcycle bearing registration number MH-48-BY-4191, engine No. HA11EYL5K16545, chassis No. MBLHAW124L5K95601 (hereinafter "*said muddemal*") seized in C.R. No. 142/2026 (hereinafter "*said C.R.*") registered with the Boisar Police Station be temporarily handed over to the Applicants till the conclusion of the trial, upon the Applicants executing indemnity bond of Rs.20,000/- (Rupees Twenty Thousand Only).
- 3] The Applicants to undertake that till the final conclusion of the trial/offence alleged-
 - i) They shall produce valid insurance papers.
 - ii) They shall not sell nor transfer the said muddemal, nor create any third party interest in the said muddemal, without the prior permission of the Court.
 - iii) They shall not drive the said vehicle without valid license.
 - iv) The Applicants shall not use or give the said muddemal for any illegal purpose or to the accused.
 - v) They shall not alter, make any changes to the said muddemal.
 - vi) The Applicants shall maintain and preserve the said muddemal in all respects.
 - vii) The Applicants shall produce the said muddemal in the Court as and when directed.

4] Applicants shall submit photographs of the vehicle. Investigation Officer/concerned P.S.O. is directed to hand over the said vehicle only upon production of valid insurance papers. I.O./ concerned P.S.O. is directed to prepare detailed panchnama and to take necessary photographs of the said muddemal, with signature of the Investigation Officer, Applicant on the photographs, with date and time of the photographs, and submit in the Court. I.O. shall mention regarding the same in the charge-sheet.

5] *Humdast* to police station allowed.

Date: 01/08/2026
Place: Palghar

(Smt.P.S.G. Chalkar)
Judicial Magistrate First Class,
Palghar (2nd Court)

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	---	Prathamesh D. Patane, (Stenographer Grade-3)
Court	---	2 nd Jt.CJJD & JMFC Palghar
Date	---	01.08.2026
Order digitally signed on	---	01.08.2026
Order uploaded on	---	01.08.2026