

MHCH080011232022



Order below Exh. 01
(Passed on 21st November 2022)

This is an application filed by applicant Amol Ramesh Thengare to release the vehicles. Perused the application, say of Learned APP at Exh.01, say of learned I.O. at Exh.6 and documents on record.

2. Heard learned advocate Shri R. C. Dange for the applicant and heard learned APP Shri G. S. Raut for the State.

3. It has stated in the application and submitted by learned advocate for the applicant that, New Holland Tractor bearing registration No. MH-34/BV-7535 and trolley of Raj company having chassis No. AL-20069516 belong to the applicant and they have seized in Crime No. 555/2022 u/s 379, 34 of Indian Penal Code. The vehicles have seized by Police Station, Bramhapuri. If the said vehicles lie in police station, it would have damaged and lose its value. Vehicles are necessary for daily use. Hence, prayed to allow the application.

4. Learned APP has stated in say and submitted that, I.O. has filed say. Hence pass the appropriate order.

5. Learned I.O. has stated in the say that if the vehicles released, the applicant shall use it for committing same kind of offence. Hence requested to reject the application.

6. The applicant has filed copy of vehicle particulars of tractor at Exh.11. Exh.11 shows that applicant Amol Ramesh

Thengare is the owner of New Holland Blue D tractor bearing No. MH-34/BV-7535. The applicant has filed copy of tax invoice of trolley at Exh.12. Exh.12 shows that Amol Ramesh Thengare is owner of Raj trailer 10X6X2 having chassis No. AL20069516. The police has not filed crime under Section 21 of Mines and Minerals Act. The offence has filed only under Section 379, 34 of Indian Penal Code. If the vehicles lie in police station there is likely of damaging it and they are necessary for daily use. Hence, application deserves to allow on some conditions. So, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) **Interim custody** of tractor New Holland Blue D tractor No. MH-34/BV-7535 and trolley - Raj trailer 10X6X2 having chassis No. AL20069516 seized in Crime No. 555/2022 by Police Station, Bramhapuri be handover to applicant Amol Ramesh Thengare on executing surety of Rs. 15,00,000/- (Rs. Fifteen Lakh only) on following conditions:-
 - a) The applicant shall not transfer both the vehicles by any way till the disposal of Crime No. 555/2022 of Police Station, Bramhapuri and will not create encumbrance on it and change its nature.
 - b) Applicant shall produce the released vehicles when directed by Court.
 - c) The I.O. shall take three photographs of the each vehicles by various angles while delivering.
 - d) Applicant shall file surety in police station and I.O. shall file the said surety and photos of vehicles along with the final report.

Date : 21/11/2022.

(S. D. Chakkar)
Judicial Magistrate First Class,
Bramhapuri