

Orders on Application filed under section 457 of Cr.P.C

The applicant/ RC owner by name Veerbhadrappa S/o. Hanamant Pawadi, R/o. Gandhigwad village, Khanapur is present and has filed the application U/sec. 457 of Cr.P.C for the release of Passion Plus Motorcycle bearing Reg. No.KA-22/X-5292 seized and reported in P.F No.2/2022 dated 08-01-2022 by Khanapur Police.

The Learned APP has filed objection to the above application by contending that, If vehicle released to the applicant he may change the color and nature of the vehicle and he may also sale away the said vehicle, in that situation he may cause interruption to the investigation. Wherefore prays to reject the application.

Heard arguments of both side.

The Applicant has sought for custody of the Passion Plus Motorcycle bearing Reg. No.KA-22/X-5292 seized and reported in P.F No.2/2022 dated 08-01-2022 seized in this case further the applicant in support of his contention produced RC, Insurance copy and Aadhar card. The Xerox copies confronted with the original RC.

On perusal of the said documents, it seems that the applicant is the owner of the Tractor and Trailer and applicant is the proper person for the custody of the above said vehicle. Moreover if the present Tractor and Trailer kept unattended for long time and kept in open area, exposed to sun, air and rain, it diminishes its value and the same became worthless. Further on perusal of complaint and FIR it found that the IO already seized the motorcycle in the present case and conducted investigation in this regard.

Further The applicant undertakes that he will abide the condition which may be imposed by this court on releasing of the vehicle to his custody and also in the case of rival claim in respect of the said vehicle. The apprehension of the A.P.P can be met by imposing stringent condition. In view of these reasons, the application filed for custody of Passion Plus Motorcycle bearing Reg. No.KA-22/X-5292 seized and reported in P.F No.2/2022 dated 08-01-2022 by Khanapur Police Station, is hereby allowed on the following conditions:-

CONDITIONS

- 1. The Applicant shall execute indemnity Bond for Rs.20,000/-with one surety.*
- 2. The applicant shall not alienate, change colour or nature of the vehicle.*
- 3. The applicant shall produce the vehicle before court as and when so required.*
- 4. The I.O is hereby directed to take the photograph of the vehicle on all four corner of the vehicle at the cost of the applicant for the easy identification of the released vehicle and produced the same along with C.D before the Court.*
- 5. The applicant is hereby directed to produce the insurance copy of the vehicle before the court in the next date of hearing without fail.*

Surety by name Ramaning S/o. Satappa Beerannavar, aged about 65 years, occ: Agriculture, R/o. Rumewadi village, Khanapur having land property in R.S No.64, measuring total 5.19 acres, out of which he has 1 acre share, situated at Itagi village, Khanapur. Approximately valued for Rs.6,00,000/- (Six Lakhs Rupees).

Perused the documents and further surety submits that he is ready to stand as surety for release of vehicle and also undertakes to abide the conditions imposed by this Hon'ble court on releasing of vehicle to the interim custody of the applicant. Hence surety held satisfied and the same is accepted.

Applicant executed indemnity bond.

Office is directed to issue release order.

Call on 26-12-2022.

*Prl. Civil Judge and JMFC,
Khanapur.*