

**ORDER ON APPLICATION FILED UNDER
SECTION 451 & 457 OF CR.P.C.**

Applicant/Cw.15 filed this petition under Section 457 of Cr.P.C. to release the Maruthi Suzuki car bearing registration No.KA-40 M 1633, chasis No.MA3EVB11SO1137682 and engine No.F8BIN4151462 into his interim custody.

2. It is contended that he is the owner of the vehicle seized by the police, its marked value is Rs.1,25,000/-, now the vehicle is kept in open yard of the police station exposed to sun shine and heavy rains, its value will be reduced, the vehicle is required for his daily use and that he undertakes to abide by the conditions that may be imposed by this court.

3. Learned Public Prosecutor resisted the application contending that the vehicle used for commission of an offence and it is required for the purpose of trial.

4. Heard Sri R.N.G., learned counsel for applicant and learned Public Prosecutor for state.

5. Perused the records.

6. Sidlaghatta Town Police charge sheeted the accused persons for the offences punishable under Sections 302, 120-B, 114 read with Section 34 of ipc.

7. Case of the prosecution in brief is that all the accused persons hatched a plan to physically eliminate Amzad Nawaz. In pursuance of the conspiracy, on 20.03.2021 the accused persons were successful in implementing their conspiracy and committed murder of Amzad Nawaz in broad day light. It is alleged that while doing so, they used Maruthi van belonging to this Cw.15. The said vehicle was siezed by the Investigating Officer during investigation and the same is reported in P.F.No.22/2021, dated 21/03/2021.

8. Now, in this case, the accused No.3 to 7 are still in judicial custody. The remaining accused persons are granted bail.

9. Now, the question is whether the vehicle in question is required for any investigation purpose. As already observed charge sheet is already filed and hence, investigation is over.

10. It is not in dispute that the vehicle was recovered from Cw.15 by drawing a mahzar and the recovery is reported to the court.

11. Applicant has produced the original R.C. card and

also insurance policy.

12. Since the investigation is already over, the vehicle is not required for any investigation purpose. Now, the vehicle is kept in open space and being exposed to sun shine and rain. This would certainly reduce the value of the vehicle.

13. Moreover, it is not in dispute that the applicant is the owner of the vehicle. Therefore, instead of keeping the vehicle idle, it would be proper to release the same into the interim custody of the owner. That would meet the ends of justice.

14. Further the vehicle is required for use of the application. So, considering all these circumstances, it would be appropriate to grant interim custody of the vehicle to Cw.15 by imposing certain conditions. Hence, I pass the following;

ORDER

Application filed by petitioner/Cw.15 under Section 457 of Cr.P.C. is hereby allowed.

Maruthi Suzuki car bearing registration No.KA-40 M 1633, chasis No.MA3EVB11SO1137682 and engine No.F8BIN4151462 seized and reported

in P.F.No.22/2021 be released into the interim custody of the petitioner on his executing an indemnity bond for Rs.1,50,000/- (Rupees one lakh fifty thousand only) with one surety for likesum and subject to following;

CONDITIONS

- 1) He shall not change the colour and nature of the vehicle till disposal of the matter.
- 2) He shall not alienate the vehicle till the conclusion of trial.
- 3) He shall produce the vehicle as and when required by the court.

(Dictated to Judgment-writer, computerized by him. Script corrected and then pronounced on this the 26th day of September 2022)

(H.S.MANJUNATHA)
II-Addl. District & Sessions Judge,
Chikkaballapura, Sitting at Chintamani.