

MHPU040257632021



Manoj Dattatray Kamathe Vs
The State of Maharashtra

ORDER BELOW EXH.1

1. The present application has been filed by the applicant **Manoj Dattatray Kamathe** for return of **Swift Dezire** bearing RTO registration No. MH-12-PQ-7664, Chassis No. MA3FJEB1S00B32384, Engine No.D13A-3220586, u/s.451 of the Code of Criminal Procedure,1973 seized in Cr.No.170/2021 of **Dattawadi** Police Station, Pune.

3. The say of I.O. and APP has been called. The Ld. A.P.P has submitted that, the said vehicle used for transportation of liquor. If the said vehicle return back to the applicant it will use for the same offence in future. Hence, APP prayed to reject the said application. The I.O. has raised objection to return said seized vehicle to the applicant.

3. The applicant has submitted on record verified copies of his Aadhar Card, RC Book & copy of bank statement. The applicant has submitted affidavit in support of his contentions. Heard both sides. The Advocate for applicant submitted that the applicant is ready to abide by conditions imposed by the Court and prayed for returning the above said vehicle to the applicant.

4. Considering the documents on record and the arguments, prima facie it appears that applicant is the owner of seized vehicle i.e. **Swift Dezire** bearing RTO registration No. MH-12-PQ-7664, Chassis No. MA3FJEB1S00B32384, Engine No.D13A-3220586. No purpose would be

served in keeping the vehicle in police station. So far as objection raised by the Ld. APP & IO is concerned, it can be neutralized by imposing terms and conditions on the applicant. Considering the above aspects, I found no hurdle to grant interim custody of said vehicle in favour of the applicant. Hence, the following order:

ORDER

1. Application is allowed.
2. The interim custody of the said vehicle i.e **Swift Dezire** bearing RTO registration No. MH-12-PQ-7664, Chassis No. MA3FJEB1S00B32384, Engine No.D13A-3220586 with **Dattawadi** Police Station, Pune in C.R.No.170/2021 be return to the applicant **Manoj Dattatray Kamathe** on executing Indemnity Bond of Rs.7,00,000/-.
3. The IO to submit photographs of the said vehicle for record of court.
4. The applicant shall not sell or alienate this vehicle in any manner and shall not change its existing nature. The applicant is further directed to produce said vehicle in the Court as and when required by this Court.
5. The applicant shall follow all the further orders regarding the vehicle.
6. The applicant shall not use said vehicle in the commission of any crime, failing which the custody granted to him will be cancelled.
7. The concerned clerk is directed to merge this file with the remand papers of C.R. No.170/2021 or with the charge-sheet of the case.

Pune
Date :07/10/2021

Sd/-
R.K.Baphana/ Bhalgat
7thJudicial Magistrate F.C.,
Court No.2, Pune.

CERTIFICATE

I affirm that the contents of this PDF file order are same word
for word as per original order.

Name of Steno : Miss.S.M. Badaker (Steno, Grade-III)
Name of Court : R.K.Baphana/Bhalgat
7th J.M.F.C.
Court No. 2, Pune.
Date of order : 07/10/2021
Order signed by P.O. on : 07/10/2021
Order uploaded on : 08/10/2021