

MHHI030010012026 	<u>Order passed below Exh. 1 In Criminal M.A. No.132/2026 Shiwaji Bhise V/s State of Maharashtra)</u>
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1] The applicant **Shiwaji @ Kondiba Rama Bhise** has filed this application under section 503 of BNSS for releasing Hero Honda Splender Motor Cycle bearing registered No. MH-38-AA-4875, Engin No. HA11EVL5B05575, Chassis No. MBLHAW112L5B05420 seized in C.R. No.73/2026 by Basamba Police Station, Hingoli.

02] The application is supported with affidavit. The applicant has filed on record xerox copy of FIR, verified copy of RC book, Verified copy of Adhar card. It is seen that the applicant is the registered owner of said vehicle.

03] I.O. and Ld. APP has submitted that submitted that if the muddemal released then there is possibility that the applicant will change the nature of it and accused will commit similar kind of offence. There is also possibility that the accused sale the muddemal vehicle. Furhter, it is submitted that the similar kinds of offence has registered against the accused at Khandala and Yavatmal. Hence, They prayed for the rejection of application.

04] Hon'ble Apex Court in **Sunderbhai Ambalal Desai Vs. State of Gujrat** reported in **AIR 2003 S.C. 638** have held that the Court should exercise powers under section 451 and 457 as expeditiously and judiciously as possible. Its is also observed that..

“the Court to pass appropriate order immediately and articles are not be kept long time to the police station at any case for not more than 15 days or one month.”

05] In view of observations made by Hon'ble Apex Court, it would be just and lawful to hand over the vehicle to the applicant who is the registered owner of the vehicle. In view of above observations, I pass the following order...

ORDER

1. The application is allowed.
2. Hero Honda Splender Motor Cycle bearing registered No. MH-38-AA-4875, Engin No. HA11EVL5B05575, Chassis No. MBLHAW112L5B05420 seized in C.R. No.73/2026 by Basamba Police Station, Hingoli be handed over to the applicant on executing suparatnama bond of Rs. 50,000/- (Rupees Fifteen Thousand) on following conditions.
 - a) He shall not alter, change, modify its nature or sell the same.
 - b) He will produce the vehicle as and when directed by the court.
3. Basamba Police are directed to prepare detailed proper panchanama of the vehicle. They are also directed to take photographs of the vehicle.

Date : 30/05/2026.

(D. V. Bhandari)
2nd Judicial Magistrate, F.C.
Hingoli