

MHAU010045372021



Criminal M.A.No. 171/2021
Devidas Ananda Rathod Vs. State

Order below Exh.1
(Date : 02.09.2021)

By filing this application applicant has prayed for returning of Motorcycle bearing No. MH-20-DP-2124 having Chasis No. MBLHA11AJF9B01489 and Engine No. HA11EHF9802370 seized in Crime No. 222/2021 under section 363, 366, 366-A, 354, 376, and 376(2)(n) of the Indian Penal and under section 3, 4, 5(l), 6, 16 and 17 of POCSO Act, by Mukundwadi police station, Aurangabad to him.

2. According to applicant, he is registered owner and possessor of seized vehicle in question. Vehicle in question seized from the accused. Investigation of crime in question is completed and charge-sheet is filed in the court. He is in need of said vehicle for his day to day work. At present the vehicle in question is standing open at police station and there may be chances to ruin it due to rainy season. He is ready to abide each and every conditions imposed by the court. Hence, he has prayed for releasing the said vehicle being owner thereof.

3. Prosecution filed its say (Exh.4) and opposed for releasing of vehicle on the ground that till the decision of case in question vehicle may not hand-over to applicant and prayed for rejection of this application.

4. On perusal of documents placed on record it appears that applicant is the registered owner of the said vehicle. Moreover, if the vehicle remain unused in premises of police station there is strong possibility that it would get ruin. Hence as per law, applicant being owner thereof is entitled for its custody. Hence, this application needs to be allowed subject to conditions. Hence, the following order -

ORDER

1. This application is allowed.
2. Seized vehicle i.e. Motorcycle bearing No. MH-20-DP-2124 having Chasis No. MBLHA11AJF9B01489 and Engine No. HA11EHF9802370 seized in Crime No. 222/2021 under section 363, 366, 366-A, 354, 376, and 376(2)(n) of the Indian Penal and under section 3, 4, 5(l), 6, 16 and 17 of POCSO Act, by Mukundwadi police station, Aurangabad be released on supurtnama on executing bond of Rs. 60,000/- (Rs. Sixty thousand) to applicant.
3. The applicant is directed not to sale, transfer, disposed of or create third party interest over above said vehicle till conclusion of trial.
4. The applicant is further directed to produce on record two coloured photographs of vehicle showing its entire view.

5. The applicant is further directed to produce vehicle as and when directed by the court during the trial.

Date : 02.09.2021

(Smt.A.S.Khadse)
Addl.Sessions Judge-8,
Aurangabad

CERTIFICATE

I, affirm that the contents of this P.D.F. file order are same word to word, as per original order.

- 1) Name of Stenographer :- Sau.R.V.Kulkarni,
- 2) Court :- (Smt.A.S.Khadse),
Addl.Sessions Judge-8,
Aurangabad.
- 3) Date of order :- 02.09.2021
- 4) Order signed by
Presiding Officer on :- 02.09.2021
- 5) Order uploaded on :- 02.09.2021