

ORDER ON AN APPLICATION FILED UNDER SECTION 503 of BNSS

The application under consideration is filed by Sri. B.H.B., Advocate representing applicant Santhoshgouda Patil seeking release of TVS Star City Plus Moter Cycle bearing Reg. No.KA-68/H-2413 reported to this Court by way of PF No.08/2026 dated 01.06.2026.

2. It is contended by the claimant/applicant that, he is the owner of the moter cycle in question. The complainant Police have reported the seizure of the said moter cycle under PF No.08/2026. The applicant further submits that the moter cycle is required for his livelihood. Further, it needs to be kept in working condition and if the moter cycle is kept idle the machineries will be affected due to sun and rain thereby causing financial loss to the applicant. The claimant/applicant is ready to furnish the surety to the satisfaction of the court and abide the conditions if any imposed and will neither alienate the property nor change its parts. With other contentions it is prayed for allowing this application and release the said moter cycle.

3. The learned A.P.P. has submitted objections to the application and the I.O has filed his report and contended that all the allegations and assertions made in the application are false and are denied. Further police seized the same during the course of investigation in this case and have reported the same to the Court. In fact in the event of release of the moter cycle there is a possibility that the same may be used for the purpose of committing other offences. Moreover, if the said moter cycle is released there is every possibility that the applicant may alienate the same and might alter it by changing its colour and appearance. Further, the moter cycle is necessary for the purpose of identification by the witnesses during the investigation and also during the trial and there is a possibility that the petitioner might not produce the same during the trial thereby affecting the progress in the case. Moreover, moter cycle is

not having valid insurance and investigation is not yet completed. Hence, contends that the application is liable to be rejected.

4. This Court has heard either side on application perused materials available on record. The points that arise for the consideration of this Court are:

POINTS

1. Whether the applicant in the application has made out sufficient grounds to get the interim custody of the vehicle.?
2. Whether the applicant is entitled to get released the motor cycle in his favor.?
3. What order?
5. This court findings to the above raised points are as under:

Point No.1 & 2 : In the **affirmative**.

Point No.3 : As per final order for the following;

-: REASONS :-

6. POINT NO.1 & 2:-

The application is filed by the applicant seeking interim release of the said vehicle by the police in this case. It is necessary to note that the Ranebennur Traffic Police have seized the said vehicle during the course of investigation in Crime No.21/2026 and reported the same to this court. It is pertinent to note that the vehicle was seized while investigating the matter where the offence alleged are punishable under section 281, 125(a) & 25(b) of BNS.

6.1. Further it is necessary to understand that while dealing with the application seeking release of vehicle, this court has to ascertain if the vehicle sought to be released is the same as the

vehicle reported to be seized in this case. In this regard the details of the vehicle mentioned in the application and the P.F. are the same, so there is no ambiguity as regards the identity of the vehicle.

6.2. In the application it is contended by the claimant/applicant that the said vehicle would become worthless if the same is kept idle, moreover he is ready to abide by any of the conditions that may be imposed by this court. It is a clear fact that the vehicle requires day-to-day maintenance and if the same is kept idle and left open to the sun and rain, there is every possibility that the said vehicle will lose its utility which would result in reducing its value. Therefore, proper maintenance of the said vehicle is necessary and required. As such this Court holds that the claimant petitioner has made out sufficient grounds to get the interim release of the vehicle.

6.3. Moving on to the next aspect of the matter which is regarding the proof of entitlement of the petitioner to seek the interim release of the vehicle. In this regard the learned counsel for the applicant has submitted that he is the RC holder of the vehicle and has even produced copy of the RC card pertaining to the vehicle to support his stand. As such it can be safely concluded that the applicant has locus standi to maintain this application. Considering that the RC card shows that the vehicle in question are standing in the applicant's name, this court should not have any impediment to accept the contention of the applicant.

6.4. It is noted that, admittedly the insurance of the vehicle in question was not in force as on the date and time of accident. As such, there is no valid insurance as per the rules governed under IMV Act. As such, it is clear that, the vehicle in question had no valid insurance, in view of the amendment to the Rule 232 of

Karnataka Motor Vehicles Rules 1989 inserting a new paragraph, **“Rule 232G”**, The third party insurance should be in the name of the registered owner. If the vehicle’s owner does not have such a policy or fails to produce insurance documents, then he can furnish “sufficient security to the satisfaction of the court to pay compensation that may be awarded” to the victim. Considering the ratio laid down in the case of **Santhosh Ratod V/s State of Karnataka- Crl. Petition No.6226/2022**, the compensation to the victim can be adequately dealt with by imposing conditions.

6.5. In the objections filed to the application, the Learned APP has apprehended that in the event of release of vehicle in favour of applicant, the investigation process would be hampered and the same is required for the purpose of identification. But the vehicle is in the custody of the police from the date of its seizure, hence this Court is of the opinion that the said argument of the learned APP cannot be a ground to reject the application, under such circumstances retaining the vehicle would not serve any purpose. As regards the apprehensions of the learned APP, they can be adequately dealt with by imposing conditions.

6.6. The documents placed before the court to affirm the contention of the petitioner regarding his entitlement for release of the vehicle. To be precise the petitioner's claim for interim release of the vehicle is supported by relevant records like the copy of RC card of the vehicle. Hence his claim for interim release is legally acceptable. Under such circumstances retaining the vehicle in the custody merely because the learned APP apprehends that the petitioner might not produce the same at the time of trial or might change its appearance and color, would be unjustified. The view taken by this court is further supported by the decision rendered by the Hon'ble Apex Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat reported in ILR 2003**

Kar 2243, wherein the Hon'ble Apex Court has categorically held that;

“It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to its owner or to the person from whom the said vehicles are seized by taking appropriate bond and the guarantee for the return of the said vehicles if required by the Court at any point of time.

However, the learned counsel appearing for the petitioners submitted that this question of handing over vehicles to the person from whom it is seized or to its true owner is always a matter of litigation and a lot of arguments are advanced by the concerned persons.

In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”

6.7. It is pertinent to note that, the release of the vehicle is to be done only if the court is convinced that the same will be produced by the person in whose favor it is released, as and when, required; and it is for this reason that the details of the ownership is sought. As already observed the vehicle stands in the name of applicant, under such circumstances this Court should not have any impediment to allow the said application as this Court can take necessary precautions to ensure its production before the Court as and when required by this Court. It is also the contention of the learned A.P.P. that if the vehicle is released, there are chances of applicant changing its appearance and color and the original parts of the vehicle may be replaced

with old ones. Though this apprehension is well founded, it is the firm opinion of this court that these apprehensions could be relieved by imposing some strict conditions. Considering all the facts and circumstances of the case, this court holds that the applicant is entitled to claim interim custody of the said vehicle till further orders. Hence with the above observations this Court answers point No. 1 and 2 **affirmative**.

7. POINT NO.3:-

For the foregoing reasons and in view of the finding of this court on Points No.1 and 2, this court proceeds to pass the following;

ORDER

“The application under Section 503 of BNSS filed by the Claimant/applicant is hereby allowed:

Consequently the TVS Star City Plus Moter Cycle bearing Reg. No.KA-68/H-2413 seized under PF No.08/2026 is interrimly released in favour of the applicant in his capacity as the owner of the vehicle subject to following conditions:

a. The Claimant/applicant shall execute one indemnity bond for a sum of **Rs.30,000/-** with one surety for the like sum with respect to the seized vehicle.

b. The Claimant/applicant shall execute one indemnity bond for a sum of **Rs.1,00,000/-** with one surety for the like sum with respect to the victim compensation as provided under Rule **232(g)** of Karnataka Motor Vehicles Rules 1989.

c. Claimant/applicant shall not change the colour and nature of the vehicle. Claimant/applicant shall produce the said vehicle before Investigation Officer as well as before this court as

and when directed to do so.

d. Claimant/applicant shall not alienate the said vehicle without the permission of this court till disposal of this case.

e. The applicant shall insure the vehicle in question and shall produce the same before the court prior to its release.

f. The Investigating Officer shall take the photographs with negatives/CD of the said vehicle taken from four angles sufficient to identify the said vehicles and directed to produce the same before this Court.”

Call on for furnishing of surety by; 21.07.2026.

**Prl. C.J. & JMFC Court,
Ranebennur.**