

23.05.2025:

**ORDER ON APPLICATION UNDER SECTION.503
OF BNSS**

Applicant by name Rajkiran. K. has filed this application to release TVS Apache 180CC motor cycle bearing Registration No.KA.08 V.0983 which has been subjected in PF. No.82/2024.

It is alleged in the application that, applicant is RC owner of said vehicle which has been seized by the police in theft case and thereafter, said vehicle has been seized in this case. The said vehicle is very much required for applicant for his daily needs and if said vehicle kept in the police station in idle condition, its parts will be damaged. He is ready to abide by the conditions imposed by this Court and he is ready to furnish surety to the satisfaction of this case. He undertakes that, he will produce the said vehicle before this Court whenever required and he will not change nature of vehicle. Therefore, it is prayed to allow the application.

Learned Public Prosecutor has filed objections contending that, if the said vehicle is released to the interim custody of applicant, at the time of trial, he may not produce the said vehicle and he may sell the said vehicle. The said vehicle is required for identification by the witnesses. Therefore, it is prayed to reject the application.

Heard the arguments of Learned Counsel for applicant and Learned Public Prosecutor on the application and perused the materials on record.

On perusal of materials on record, Investigating Officer during investigation has seized TVS Apache 180cc vehicle bearing Registration No.KA.08 V.0983 and subjected in PF. No.82/2024. The said vehicle is parked in the police station without any shelter. The applicant has produced true copy of RC Smart Card and as per the said document, he is the owner of said vehicle. If the said vehicle is continued in police station at idle condition, its spare parts will be damaged and it will be un-road worthy and it will become useless. Applicant is ready to undertake that, he will produce the said vehicle before Court during trial by which trial will not be hampered. Even photographs of said vehicle can be taken along with CD and Certificate and it can be marked on the basis of photographs and witnesses can identify the said vehicle in the said photographs and the trial will not be affected. He is ready to furnish surety for release of said vehicle and he undertakes that, he will not transfer the said vehicle till the disposal of the case. The apprehension of prosecution can be protected by imposing certain conditions. So, I proceed to pass the following:

ORDER

Application under Section.503 of BNSS filed by the applicant is hereby allowed.

It is hereby directed to the Station House Officer of Oorgaum police station to release TVS Apache 180cc motor cycle bearing No.KA.08 V.0983 to the applicant Rajkiran. K. on his executing indemnity bond of Rs.2,00,000/- with like-sum surety subject to the following:

CONDITIONS

1. Applicant shall not change nature, identity and colour of said vehicle till disposal of the case.
2. Applicant shall not transfer said vehicle to any person in any form till the disposal of the case.
3. Applicant shall produce the said vehicle before the Court as and whenever directed.

Office is hereby directed to take indemnity bond with like-sum surety and issue intimation to the PSI of Oorgaum police station, KGF to release said vehicle to the Applicant after proper identification and on verification of documents and shall take photographs with CD and Certificate under Section.63(4) of BSA-2023.

(Ganapati Gurusidda Badami)
III-Addl. District and Sessions Judge,
Kolar (Sitting at KGF)