

ORDERS ON APPLICATION UNDER SEC.503 OF BNSS.,

The Petitioner by name **Sri. Abhishek.S S/o Suresh, R/at Acchalu Village** has filed this petition under Sec.503 of BNSS with a prayer to release the Bullet vehicle bearing Reg.No.KA-09-EZ-8855 in his favour.

2. In the application, it is contended that, the applicant/accused No.7 is the RC owner of the Bullet vehicle bearing Reg.No. KA-09-EZ-8855, which is being seized in PF.No.88/2025. The said vehicle is required to the applicant for him day-to-day use. If the same is kept idle, without use, the

material parts of the said vehicle will be deteriorated and it will be of no use. Further, the applicant is ready and willing to abide by the conditions that may be imposed by this Court. Hence, prayed to release the said vehicle in favour of the applicant.

3. The learned Senior APP filed objections to the above application contending that, the application is not maintainable. The police have seized the same from the applicant. If the same is released in favour of the applicant, he may sell, mortgage the same or alienate the same in any other manner and also may change the nature, shape, colour of the same and he may not produce the same at the time of trial. Hence, prayed to reject the application.

4. Heard the arguments. Perused the materials placed on record.

5. The following point would arise for the consideration of this Court.

- i) Whether the application filed on behalf claimant Sri Abhishek.S under Sec. 503 of BNSS for interim custody of vehicle No.KA-09-EZ-8855 is deserves to be allowed?

6. My answer to the above point is in the “**Affirmative**” for the following:-

REASONS

7. The Ramanagara Rural Police, Ramangara have registered a case against the Accused for the offences punishable under Sec.109, 115(2), 118(1), 189(2), 190, 351(2), 352, 118(2), 137(1), 329(3) of BNS and seized the aforesaid vehicle. It is the case of the prosecution that, the Accused have used the aforesaid vehicle for committing the offences and if the same is released in favour of the claimant, he may not produce the same at the time of trial or investigation by the I.O.

8. The Applicant has produced the photocopies of the R.C., Driving License, Insurance Copies and Aadhar Card of Applicant. The Prosecution has not denied that the applicant is not the RC owner of the seized vehicle in question. However the only objection of the prosecution is that, the offences alleged against the Accused are triable by the Hon'ble Sessions Court and therefore the said vehicle should not be released. But, this court cannot reject the application solely on this ground.

9. Admittedly the vehicle, being mechanically profiled, if kept idle, the engine parts of the same will be damaged and the exposure of the same to heat and light will definitely cause damage to the vehicle and as such, the claimant will be put to hardship and loss. The trial of this case may take considerable time and till then, keeping the vehicle in the open space in the custody of police will be of no use and it is also not lawful. So

far as the objections of the prosecution is concerned, the same can be safeguarded by directing the police to take detail photographs of the said vehicle and to produce the same before the court and as per the directions of the Hon'ble High Court, photographs can be marked as secondary evidence during the trial.

10. At this stage, it is useful to refer the decision of ***the Hon'ble Supreme Court in the case of Sundarbai Ambalal Desai Vs., State of Gujarat (2002)10 SCC 283***, in which it is held that,

“Any property seized in the case shall not be kept in the Police Station, till the completion of trial and the Magistrate has to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said property, if required at any point of time.”

11. Hence, this court is of the opinion that, by imposing stringent conditions, if the vehicle is released, it would meet the ends of justice. Accordingly, this point is answered in the **Affirmative**. I proceed to pass the following:-

ORDER

The application filed by the applicant-Sri.
Abhishek S/o Suresh, R/at Acchalu Village

U/Sec. 503 of BNSS is hereby allowed subject to the following conditions:-

1. The applicant shall execute Indemnity Bond for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and also a surety for the like sum.
2. He shall produce the said vehicle as and when directed to do so either by the court or by the IO.
3. He shall not alienate or change the identity of the vehicle till the disposal of this case.
4. The PSI, Ramanagara Rural PS is directed to take detail photographs of the aforesaid vehicle on all the 4 sides and produce the same with CD to the court, before releasing the same to the custody of the claimant.

**Prl.Senior Civil Judge & CJM,
Ramangara.**

To furnish surety by
claimant Abhishek by
21.11.2025.

**Prl.Senior Civil Judge & CJM,
Ramangara.**