

ORDERS ON APPLICATION U/S 503 of BNSS

Sri. SKG advocate for the applicant named **Smt.Shobha Sridhar Achari**, A/a 43 years, R/o Kansur, Siddapur (Aadhar card No. 811434233761) has filed application U/S 503 of BNSS along with vakalath seeking the interim custody of TVS Jupiter Bike bearing Registration No. **KA-31/EC 8627, Chassis No. MD626EG50L1K09476 seized under P.F. No.84/2024, Dtd.28-08-2024 Item No.1.** The learned APP has filed his detailed objections along with report of Siddapur PSI.

2. Heard the arguments and perused the material available on record.

3. The State by Siddapur PS registered the case on complainant and During the course of investigation , the I.O. has seized **TVS Jupiter Bike bearing Registration No. KA-31/EC 8627, Chassis No. MD626EG50L1K09476 seized under P.F. No.84/2024, Dtd.28-08-2024 Item No.1.** and reported the same

to this court under PF No. 84/2024. The applicant has produced certificate of registration, insurance of the vehicle and a Notarized copy of his Aadar Card . On perusal, the said documents would show that the applicant is the RC owner of **KA-31/EC 8627, Chassis No. MD626EG50L1K09476 seized under P.F. No.84/2024, Dtd.28-08-2024 Item No.1.** Further there are no rival claimants till now. In the report of the IO filed along with the objection it is stated that, the said bike should not be released to the interim custody of the claimant, as the said bike is necessary for the purpose of verification of documents. And there are chances of the claimant selling it to 3rd parties and not producing the same before the court during the course of trial and there are chances of her changing the colour of the vehicle . The claimant is ready to give surety stating that she will not sell the bike to any person and will produce the same during the course of trial. The claimant is ready to give surety to the vehicle and seeks that the vehicle may be given to the interim custody of the claimant.

Heard.

Perused the prosecution papers, application and documents in respect of vehicle in question. There are no rival claimants. Upon perusal of the certificate of registration of the said bike it is seen that, it stands in the name of the applicant As per the principle laid down by **Hon'ble Supreme Court in Ambalal Desai Vs. Satate of Gujurath (AIR 2003 SC 608).** this court is of the opinion that, the vehicle may be given to the interim custody of the applicant upon imposing stringent conditions whereby the apprehension of prosecution can be resolved. The applicant is entitled for interim custody of vehicle. Hence, the court proceeds to pass the following:

ORDER

The application filed U/S 503 of BNSS., is hereby allowed. TVS Jupiter bike bearing Registration No.**KA-31/EC 8627**, **Chassis No. MD626EG50L1K09476** **seized under P.F. No.84/2024, Dtd.28-08-2024 Item No.1.** is given to the interim custody of the applicant subject to the following conditions.

- 1) The applicant shall execute an indemnity bond of Rs.60,000/-.
- 2) The applicant shall furnish surety for like sum
- 3) Applicant shall not change its shape, colour and other identical parts until disposal of this case.
- 4) Applicant shall not alienate or transfer the vehicle in question until disposal of this case.
- 5) The applicant shall under take to produce the said vehicle before court as and when directed.

Office is directed to issue intimation to release the aforesaid bike in favour of applicant for interim custody .

If applicant does not follow the forgoing conditions which is imposed by this court as supra, the IO shall seize the said vehicle and give to this court custody accordingly.

Surety by name **Ananth Krishna Naik** A/a 50 years, R/o Gattikai, Devisar, Siddapur produced RTC bearing Sy. No 18/1 measuring to an extent of 1-4-00 situated at Gattikai village, Umbalamane hobli Siddapur taluk along with Adhar Card xerox and declaration.

Surety is accepted office is directed to take bond. Hence, Office directed to issue intimation to I.O after execution of indemnity bond to release the said vehicle in accordance with law.

Sri MNN Advocate has filed NOC vakalath on behalf of accused No 1 and 2. For plea.

R/by 09-01-2025

Sd/-

Civil Judge and JMFC.

Siddapur

