

ORDERS

The claimant / petitioner has filed the application under Sec.503 of B.N.S.S. and requested to release the vehicle TVS King LS+ FI Auto Rickshaw bearing Reg.No.KA-19-AD-2108, Engine No. AF4KL4000963, Chassis No. MD6M14LFOL4L00018 (Black Colour) to his custody.

2. Sr. A.P.P. filed the objection and requested to reject the application.

3. Heard. Perused the papers. Following points are taken to adjudicate the application.

1. Whether applicant has made out the grounds to release the vehicle by considering the application?

2. What order?

4. Answers to the above points are under:

Point No.1 : In the affirmative:

Point No.2 : As per final order
for the following:

REASONS

Point No.1:

5. The S.H.O of Padubidri Police Station registered case against the accused for the offence punishable U/s. 281, 125(a) of B.N.S., 2023.

6. Applicant filed the present application and contended that, the claimant is the R.C. owner of the claimed vehicle. The S.H.O. of Padubidri Police Station seized the vehicle in Cr.No.15/2025 and reported the same before the court. The said vehicle is at police station without due care and diligence as such there is every chance of the condition of the vehicle being deteriorated due to lack of maintenance. The said vehicle is required for his day – to – day use. Therefore, applicant prayed to allow the application.

7. Sr. A.P.P. filed the objection and contended that, the investigation is in progress. If the vehicle is released to the applicant, he may change the nature of vehicle. He may alienate the vehicle. Sr.A.P.P. requested to dismiss the application.

8. The pleadings of applicant and Sr.A.P.P. clearly shown that, I.O. of the case seized the claimed vehicle and parked in the precincts of Police Station and also reported the same to the court in P.F.No.34/2025. Photocopy of the R.C. is apparently shows the ownership of Mr. Sadhika to the said vehicle. To satisfy the apprehension of Learned Sr.A.P.P.

impose the conditions to the applicant for release the vehicle is necessary.

9. The applicant contended that, vehicle has been parking without any shelter, vehicle is to be maintained in the proper manner. Vehicle is to be used time to time. If the vehicle is parked without use, it may be useless and also the value will be depreciated. Therefore, by placing reliance upon reported judgment of Hon'ble Supreme Court **Sunderbhai Ambalal Desai Vs. State of Gujarath** and further there is no rival claimant. For these reasons applicant has made out grounds to interim release the vehicle. Apprehensions of other side can be secured by imposing conditions. After going through the objections of the Learned Sr.A.P.P., I do not find any concrete objection for the interim release of the said vehicle. So therefore by imposing the conditions, the petitioner has liberty to get the custody of the vehicle as there is no rival claimants to the said application. For these reasons applicant has made out grounds to release the vehicle in his custody. As such, answered **point No.1 in the affirmative.**

Point No.2:

10. In view of the above discussion, pass the following:

ORDER

Application filed under Sec.503 of B.N.S.S.,
by the applicant namely, Sadhika is hereby allowed,
subject to following conditions:

1. Applicant shall execute indemnity bond for the amount of Rs.1,50,000/- with one surety for like sum.
2. Applicant shall produce the vehicle, when the Investigating Officer and court will order.
3. Applicant shall not use the vehicle for committing any offence.
4. Applicant shall not alienate, hypothicate or pledge the vehicle and not change the colour, shape of the vehicle.
5. The Investigating Officer is directed to take the photographs of the vehicle in all the angles for proper identification at the time of release.

Surety by name Sujatha, aged about 43 years, W/o. Dayananda Poojary, R/at 6-50, Kondadi, Bommarabettu Village, Post Hiriadka, Udupi Taluk and District, is present and offers surety for the release of the vehicle TVS King LS+ FI Auto Rickshaw bearing Reg.No.KA-19-AD-2108 vehicle . In this regard she filed affidavit along with RTC of Sy.No.252/*, measuring 2.70 cents situated at Bommarabettu Village, Udupi Taluk and District, which stands in the name of Surety, Xerox copy of her Aadhaar Card and declaration affidavit.

I have perused the affidavit of the surety with documents placed. Surety is accepted.

Office is directed to take indemnity bond & surety bond.

Issue release intimation to release the vehicle TVS King LS+ FI Auto Rickshaw bearing Reg.No.KA-19-AD-2108, Engine No. AF4KL4000963, Chassis No. MD6M14LFOL4L00018 (Black Colour) to the custody of R.C. Owner namely Mr. Sadhika, if the said vehicle is not required in any other cases.

Addl. Senior Civil Judge & A.C.J.M.
Udupi.