

1
**IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS-II,
HOSDURG**

Present: Sri. Fayiz. T
JUDICIAL FIRST CLASS MAGISTRATE- II
HOSDURG

Dated this the 22nd day of May, 2026

CMP: 1/2026
IN
CRIME NO.296/2026
BEKAL POLICE STATION

Petitioner : Rajin K R, aged 25 years
S/o Kunhiraman K, R/at Koppal House,
Koppal Bare, Uduma, Uduma Padinhar Post,
Uduma Village, Hosdurg Taluk.
(By Adv. Sreeraj K P, Hosdurg)

Respondent/Complainant : SHO Bekal police Station
Cr.No.296/2026.
(By Smt. Anjela Santhakumar, APP,
Hosdurg.)

Application : U/s 497 of BNSS

ORDER

1. This is an application filed under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, seeking interim custody of a vehicle.

2. The averments in the petition, in brief, are as follows: The petitioner's car bearing Registration No. KL-60-X-2307 was seized by the police in connection with the above crime and has been produced before this Court. If the vehicle continues to remain in custody, it is likely to suffer damage due to exposure to sun and rain. The petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, it is prayed that the vehicle may be released to the petitioner.

3. The Investigating Officer has filed a report opposing the petition.

4. Heard the learned Assistant Public Prosecutor and the learned counsel for the petitioner. Perused the records.

5. The car bearing Registration No. KL-60-X-2307 was seized by the police in connection with the above crime. The vehicle was entrusted to the Station House Officer, Bekal Police Station, for safe custody. The petitioner has produced copies of the Registration Certificate and Insurance Certificate, which prima facie establish his ownership over the vehicle. The prosecution has not disputed the said ownership. The learned counsel for the petitioner submitted that the petitioner is ready to abide by any condition which this Court may impose in the event of granting interim custody of the vehicle.

6. The Hon'ble Supreme Court in **Sunderbhai Ambalal Desai v. State of Gujarat (2002 (10) SCC 283)** held that the vehicle seized during the investigation proceedings should not be allowed to be kept in the custody of the court till the culmination of the proceedings, but it has to be released to the person, who is entitled for its custody by imposing conditions.

7. In the present case, continued custody of the vehicle in the police station compound will serve no useful purpose and is likely to cause damage and depreciation. The petitioner has undertaken to comply with all conditions that may be imposed. Therefore, this Court is of the opinion that interim custody of the vehicle can be granted to the petitioner, subject to conditions.

In the result, the petition is allowed as follows:

1. The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum.
2. Before releasing the vehicle, the Investigating Officer shall prepare a panchnama describing the present condition of the vehicle, including its registration number, engine number, chassis number and any visible damages, in the presence of witnesses, and the same shall be produced before this Court.
3. The petitioner shall produce three photographs of the vehicle with C.D. duly attested by himself and the SHO concerned.
4. The petitioner shall produce the original documents of the vehicle for verification.

5. The petitioner shall produce the vehicle before the Court or the Investigating Officer as and when directed.
6. The petitioner shall not sell, transfer, encumber, or alter the vehicle in any manner until further orders of the Court.
7. The petitioner shall ensure that the vehicle is not used for any illegal purpose while in his custody.

(Dictated to C. A., transcribed by her, corrected and pronounced by me on this the 22nd day of May, 2026)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-II,
HOSDURG

//True copy//

JUDICIAL FIRST CLASS MAGISTRATE-II,
HOSDURG