



ORDER BELOW EXH.8 IN SESSIONS CASE NO.253/2024
(State of Maharashtra Vs. Dhanya @ Danish Faruq Shaikh and others)

1. The present application is filed by the applicant namely Jaydeep Sanjay Pade under section 497 of Bhartiya Nagrik Suraksha Sanhita, 2023 for release of Suzuki Access vehicle bearing registration No. MH 16 DD 6707, having chasis no. MB8DP12DAP8E85125 and Engine No. AF213072078 seized by Tophkhana police station in Crime No.541/2024 for the offence punishable under Section 307, 336, 324, 143, 147, 148, 149, 34 of the Indian Penal Code, 1860, Section 3/25, 4/25 of Arms Act and Section 37(1)(3) of Mumbai Police Act.

2. The learned advocate for the applicant argued that the applicant is registered owner of the said vehicle. He further argued the copy of RC book is placed on record. He further argued that the applicant has also filed affidavit before this Court in this regard. He also argued that said vehicle has been kept in idle condition in the police station and due to which it will be damaged. It is necessary to release the same for day to day work of the applicant. Hence, he prayed to allow the application.

3. The learned APP filed say at Exh.38 and submitted that offence is serious and said vehicle is used in commission of offence by the accused. If the vehicle is released then accused may use it to commit similar offence. This vehicle is important piece of evidence and if it is handed over to the applicant then he may change the nature of it which will affect on trial. Lastly, he prayed to reject the application.

4. Upon perusal of documents on record and affidavit of the applicant who is the owner of the said vehicle. It is seen that applicant is

using seized vehicle for his day to day work. It is settled provision of law that instead of keeping the seized vehicle in the police station in idle condition, it would be proper to release the same to the person entitle for the same.

ORDER

1. Application Exh.29 in Sessions Case No.253/2024 is hereby allowed.
2. Interim custody of Suzuki Access vehicle bearing registration No. MH 16 DD 6707, having chasis no. MB8DP12DAP8E85125 and Engine No. AF213072078 seized by Tophkhana police station in Crime No.541/2024 be handed over to applicant Jaydeep Sanjay Pade, on furnishing indemnity bond/supurthnama of Rs.30,000/- (Rupees Thirty Thousand only).
3. Applicant shall not sell, transfer or alienate the said vehicle without permission of the Court. He shall not change its nature.
4. Applicant shall produce said vehicle as and when directed by the Court.
5. Before releasing said vehicle in favour of accused, concerned police station shall draw a panchanama containing specifications of the vehicle and shall take its photographs for it's proper identification.
6. Concerned Police Station is further directed to submit compliance report before this Court along with photographs and bond.
7. Applicant shall submit R.C.book and other documents of vehicle to the police for investigation purpose.
8. Issue yadi/letter, accordingly.

Date : 08.07.2025
Place : Ahmednagar.

(**A. M. Patil**)
Additional Sessions Judge,
Ahmednagar JO Code-MH02456