

MHAH010062722024



Order below Exh.22 in Sessions Case No. 273/2024.

(State of Mah. Vs. Sukhdeo Ramdas Khiladkar and Ors.)

By way of this application, applicant- Nitin Balbhim Khiladkar is seeking interim custody of vehicle four wheeler of TATA MOTORS LTD. Company- TATA INTRA V10 BS-VI bearing No. MH-16-CD-0249 having Engine No. 800CCDI02BYXS17356, Chassis No.MAT535072MYB 09005 having Titanium_WH colour seized in crime No.I- 825/2024 registered with Rahuri Police Station for the offences under Sections 310(4)(5) of the Indian Penal Code.

2- Applicant submitted that, applicant is registered owner of the said vehicle. He is in need of the vehicle for his daily purpose for personal use. If the said vehicle is kept in the police station its condition will be deteriorate and vehicle be damaged due to keeping in ideal in the open environment. He is ready to keep it in proper condition and will produced whenever required. He will not sell or dispose of the same. Therefore, he submitted that application be allowed and said vehicle be released on indemnity bond in his interim custody.

3- Say of the Ld. APP was called. Ld. APP filed their say vide Exh.31 and strongly opposed the application. He submitted that said vehicle is used in the commission of the offence and if said vehicle is released, he will not produced it during the course of trial. The vehicle is part and parcel of the investigation. Therefore, if it is released, he may damage, destroyed or alight the vehicle. Hence, they strongly opposed the application.

4- Heard Ld. Adv. Shri. Sayyad appearing for the applicant and Ld. APP Shri. M.P. Kulkarni for the State. Perused the documents and submissions of both sides.

5- For the purpose of investigation, the police have seized the vehicle by proper procedure and now the vehicle is not required to be kept in the custody of the prosecution as material investigation has been completed. Further keeping the vehicle in the custody of police ideal by remaining unused or its misappropriation will definitely cause damage to the vehicle along with spare part, engine, tyres and will deteriorate the condition day by day.

6- The applicant as per the R.C. Book, he is owner of the vehicle which is registered at Dy. R.T.O, Ahmednagar. The applicant is permanent resident of Nandur-Waglunj, Beed. Therefore, presence of the applicant along with the vehicle can be secured, if required during the course of trial. As such, in view of the directions of the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai...VS...State of Gujrat 2002 (10) SCC 283= AIR 2003 SC 638 and General Insurance Council...Vs. State of A.P 2010 (6) SCC 786**, by giving following directions to the investigating officer the above seized vehicle needs to be released on Supurtnama of the applicant on executing on indemnity bond of Rs. 10,00,000/- along with terms and conditions as follows.

Order

- 1- Application Exh.22 is allowed.
- 2- P.I. Rahuri City Police Station is hereby directed to hand over the interim custody of four wheeler of TATA MOTORS LTD. Company- TATA INTRA V10 BS-VI bearing No. MH-16-CD-0249 having Engine No. 800CCDI02BYXS17356, Chassis No.MAT535072MYB 09005 having Titanium_WH colour to

the applicant on execution of indemnity bond of Rs.Ten Lakh (Rs.10,00,000/-) after preparing detail proper panchnama and taking photographs of such vehicle.

- 3- The applicant is directed not to dispose off the above vehicle by any mode of transfer till the conclusion of trial on merits.
- 4- The applicant shall not change the nature of vehicle nor make any alteration therein.
- 5- The applicant shall produce the vehicle as and when required by the Court.
- 6- Inform concerned police station accordingly.

(M.S. Lone)

Date : 06th February, 2025. District Judge-4 and Addl. Sessions Judge,
Ahmednagar.