

MHAH160015152022



ORDER BELOW EXH. 18

This is an application under section 451 of the Code of Criminal Procedure by the applicant in C.R.No. 178/2022 registered with State Excise Department, Sangamner.

2] It is contended that applicant is the owner of motorcycle of Hero Honda Company bearing registration No. MH 17 AM 0686 having chasis No. MBLHA10EZBHC27956 and Engine No. HA10EFBHC38139. The said vehicle is seized by the State Excise in Cr. No. 178/2022. The vehicle is needed to applicant for his personal use. The applicant stated that if this vehicle is keep with the non applicant, it will be spoiled, catch the rust and useless. No purpose will be served by keeping aforesaid vehicle either in the custody of non applicant or Court. He is ready to abide all conditions.

3] Say of A.P.P. was called. He took objection on the ground that the seized vehicle is used in commission of crime and if the said vehicle is handed over to applicant, the possibility of using seized vehicle in another crime cannot be ignored. Hence, he prayed to reject the application. The investigating officer also submitted his say as per the say of learned APP.

4] The applicant has filed verified copy of Photocopy of RC Book, Photocopy of insurance policy and Photocopy of Aadhar Card of applicant. Prima facie the applicant appears to be the owner of the seized vehicle.

5] I have perused the record. In the present case charge-sheet has been filed on 22.12.2022. But the vehicle is still in possession of police authority. The applicant is ready to abide all conditions. This vehicle is necessary for his daily use. No purpose will be served by keeping these vehicle either in the custody of police or Court. In the result, application deserves to be allowed.

ORDER

- 1] The seized aforesaid vehicle be handed over to the applicant Vikas Vitthal Deshmukh by way of interim custody till final disposal of case on following conditions :-
- a) He shall execute bond of Rs. 50,000/- (Fifty Thousand Only) stating that he will not alienate, sale, change the color, of aforesaid vehicle, till disposal of the trial.
 - b) The indemnity bond should be forwarded to concerned I.O. along with release letter.
 - c) I.O. is hereby directed to take out photographs of vehicle before handing over to the applicant and forward indemnity bond and photographs to the court on next date without fail.

Date: 24/04/2023

(Rahul K. Gaikwad)
Judicial Magistrate First Class
Akole.