

CRI.M.A. No.38/2026**MHAM070007602026****Applicant**

Ansar Ahemad Shaikh Haroon

**Versus****Respondent**State of Maharashtra through
P.S. Anjangaon Surji**ORDER BELOW EXH.1 IN CRI.M.A. No.38/2026.**

This is an application for grant of interim custody of four wheeler of HYUNDAI, CRETA 1.6 CRDI SX(O) PETROL bearing registration no.MH-30-AF-9024, engine No.D4FBFM406432, chassis no.MALC381ULFM027227J and Mobile Oppo F21 Pro 5G 8-128 Cosmic Black 862888053295635, HSN/SAC-85171300, mobile no. 8888780095 seized in connection with Crime Register no.278/2026 of Police Station Anjangaon Surji. I have called the say of Learned APP and Investigating Officer.

2. The Investigating Officer in his say at Exh.5 and gave objection to release of vehicle and mobile on the ground that the applicant may use vehicle and mobile for criminal offence. Moreover, he contended in say that, vehicle i.e. Creta Car and mobile is seized in present crime from Ansar Ahmad Shekh Haroon. Finally he prayed to reject the application. The Ld. APP filed say and objected release of vehicle and mobile on the ground that, investigation is not yet completed. The applicant may use vehicle and mobile for criminal offence. Hence, reject the application.

3. Heard Learned Advocate Mr.S.M.Hivrle for the applicant, perused the say of I.O.

4. Now the only point is whether the vehicle and mobile in question is to be released on Supurtnama of the applicant, or not? After perusing the documents filed by the applicant, i.e., verified copy of Certificate of Registration of vehicle, copy of insurance, xerox copy of F.I.R., verified copy of Mobile Receipt and aadhar card of applicant. The document shows that, the vehicle and mobile in question is owned by the applicant. If the said vehicle and mobile in question is kept openly in the police station then causing damages and getting rust on it cannot be ruled out. On the contrary, if it is handed over to the applicant and impose condition to produce the same as and when require, no prejudice will be caused to prosecution.

5. Here, I would like to refer the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat, AIR 2003 S.C. 638;** wherein the Hon'ble Supreme Court has issued various guidelines and held that,

“No any purpose will be served in keeping the vehicle unused as after sometime the vehicle loss its value. It has been further held that, it is for the magistrate to pass appropriate order immediately by taking appropriate security or bond for return of said vehicles if required at any points of time.”

6. Therefore, considering above foregoing discussion and ratio *supra*, the application filed by the applicant is maintainable and he is entitled for interim custody of vehicle and mobile in question on executing bond of Rs.10,00,000/-(Rupees Ten Lakh only) for said four wheeler Creta and Rs.30,000/-(Rupees Thirty Thousands only) for mobile till further order. With this, I pass the following order.

ORDER

1. Application is hereby allowed.
2. Interim custody of four wheeler of HYUNDAI, CRETA 1.6 CRDI SX(O) PETROL bearing registration no.MH-30-AF-9024, engine No.D4FBFM406432, chassis no.MALC381ULFM027227J and Mobile Oppo F21 Pro 5G 8-128 Cosmic Black 862888053295635, HSN/SAC-85171300, mobile no. 8888780095 seized in connection with Crime Register no.278/2026 of Police Station Anjangaon Surji, be handed over to applicant Ansar Ahemad Shaikh Haroon, R/o: Pathrot, Tal. Achalpur, Dist. Amravati on executing supurthnama bond of Rs.10,00,000/-(Rupees Ten Lakh only) for said four wheeler Creta and Rs.30,000/-(Rupees Thirty Thousands only) for mobile before this Court with conditions that,
 - a) He shall not dispose of, pledge or sell the released property by any means,
 - b) He shall produce same as and when ordered by the Court.
 - c) Applicant shall not in any way make any material change in the said vehicle which would affect the identification of the same.
3. Investigating Officer to prepare detail Panchnama before handing over the same to the applicant.

4. Copy of this order be kept with case arising out of present crime number.
5. The concerned investigation officer is hereby directed that prior to giving interim custody of seized property in question to the applicant, colored cabinet size photographs from differently angles clearly model and other particulars of the mobile shall be kept on file and expenses for the photographs shall be borne by the applicant herein. The said photograph shall be signed by the applicant herein. The I.O is here by also directed to prepare detailed delivery panchanama of mobile at the time of its release.
6. It is made clear that in the case of any allegation regarding involvement of said property in any criminal activity, the order as to interim release of the same shall stand vacated automatically and the court shall have due authority to take necessary steps for seizure of the seized property.

Date : 23.06.2026

(S.B.Bahirat)
Judicial Magistrate First Class,
Court No.1, Anjangaon Surji.