

MHAU080005542026



Cri.M.A./63/2026

Shaikh Anis Shaikh Usman Vs. State of Maharashtra

ORDER BELOW EXH. 01

This is an application filed by applicant Shaikh Anis Shaikh Usman under Section 503(1) of the B.N.S.S., 2023 to get custody of Bajaj Auto Rikshaw bearing Registration No. MH-20-DC-1704, Chasis No. MD2A8BZ6FWK00075 and Engine No. AZZWEJ36292 (Hereinafter mentioned as 'the said vehicle' for short).

2. The applicant has contented that, she is the owner of said vehicle. The said vehicle is seized by the Sillod City Police Station in relation to Crime No. 168/2025 punishable under Section 334(1) and 305(a) of B.N.S. The charge-sheet of present crime is registered in the Court vide R.C.C. No. 03/2026.

3. The applicant has contented that, the police authority seized said vehicle and the same is kept in open place and therefore it may cause damage. The applicant is in need of said vehicle for her personal use. The applicant is ready to obey each and every conditions imposed upon him. Hence, the applicant prayed for giving the interim custody of said vehicle on appropriate bond.

4. The say of I.O. and Ld. A.P.P. was called upon. The say of I.O. and Ld. A.P.P. is at Exh. 05 and 06 respectively. Ld. A.P.P. opposed the application contending that, if it is released, prima-facie case is made out

against the accused. The seized vehicle is required during the trial. Lastly, he prayed to reject the application. I.O. by filing say contended that, then the applicant may use it again in similar type of offence. The applicant is not co-operated during the investigation. If the seized vehicle is released, then the applicant may sell it or may change its nature. Hence, prayed for rejection of the application.

5. The applicant has filed copy of her Aadhar Card, copy of RC Book and copy of FIR vide list of documents (Exh. 03).

6. Investigation of the present crime is in progress. However, Section 457 of Cr.P.C. which is corresponding to section 503 of B.N.S.S. is clear regarding seizure of property by the police. The owner of the property can claim possession of the case property. In such circumstances magistrate may order property to be delivered to the owner on such condition if he thinks fit. Considering ratio laid down in “*Sundarbhai Ambalal Desai Vs State of Gujarat reported in AIR 2001(SC) 638*” it is not desirable to keep the seized property in custody of either police or Court for long time.

7. The copy of RC Book shows that, the applicant is registered owner of the said vehicle. Moreover, none without applicant has claimed custody of said vehicle yet. Considering nature of the offence, I am of the opinion that the custody of the said vehicle is not required with the Sillod City Police Station. If the said vehicle is kept lying at police station, then there is every possibility that for want of lubrication and use of it, the mechanical parts of the said vehicle shall be damaged and it will cause loss to the applicant. Therefore, I am of the opinion that there is no hurdle in allowing the application, subject to conditions. Therefore, I pass following order. Accordingly, the application is allowed on following conditions :-

ORDER

1. The application is allowed on following terms :-

- i. The applicant to give indemnity bond of ₹ 3,00,000/- (₹ Three Lakh Only) undertaking thereby not to sell, mortgage or change the Bajaj Auto Rikshaw bearing registration No. MH-20-DC-1704, Chasis No. MD2A8BZ6FWK00075 and Engine No. AZZWEJ36292 till disposal of case arising out of Crime No. 168/2025, registered before Sillod City Police Station i.e. R.C.C. No. 03/2026.
 - ii. The applicant has also to undertake in the above indemnity bond to produce the said vehicle as and when directed by this Court or Sillod City Police Station till disposal of the case arising out of Crime No. 168/2025 of Sillod City Police Station i.e. R.C.C. No. 03/2026.
2. Investigating Officer shall take sufficient photographs of the above said vehicle and prepare detail memorandum of the same and submit it in R.C.C. No. 03/2026.
 3. Accordingly, inform to the Investigating Officer.

Date – 12/03/2026.

(K. T. Adhayke)
Judicial Magistrate, F.C., Sillod.