

MHAU110003102026



Order below Exh.No.1 in
Cri.M.A. No.32/2026.
Laxman Vs. State

This is an application filed by the applicant under section 503 the B.N.S.S. of 2023 for releasing the MAHINDRA & MAHINDRA LIMITED (TRACTOR) MAHINDRA 555 DI- NO- MH 21 AD 2086 and Trailer bearing registration No. MH 23-C-3843.

2. According to the applicant, he is the owner of applicant seized muddemal Tractor Bearing registration No. MH-21-AD-2086 & Chassis No. SBJU2039 & Engine No. SBJU2039 and Trailer (Trolley) bearing registration No. MH 23-C-3843 and chassis No. ABHI496 i.e., property seized by Police Station Phulambri in Cr.No.596/2025 for the offence punishable under Section 106 (1), 125 (B), 281, 324 (2), B.N.S. 2023 r/w 134,177 of M.V. Act 1988.

3. It is further mentioned that, the seized muddemal is kept at open place in the custody of Police Station Phulambri and because of that, damage is being caused due to sunlight and weather etc.,. Lastly, it is undertaken by the applicant that, he is ready to abide by the conditions and to execute indemnity bond as per the orders of the court.

4. I have called for say of Ld. APP and investigating officer. The investigation officer also filed his say and stated that, investigation is in progress and requested to not to handover the said vehicle to the applicant.

5. The Ld. APP has filed say and strongly objected on the ground that, the said seized property has been used by the accused in committing the said crime. If the said seized property is given to the applicant, he can change or sell it. Also, if it is required in the court, he will not produce the said seized property in the condition in which it is nor will be cooperate with the investigating officer in the investigation. Applicant application be rejected.

6. I have heard both sides at length.

7. The applicant has purchased Trolley from Mujahiddin Azimoddin Kazi on dated 09/10/2025 by agreement and Tractor from Mahadev Rudra Hatode on dated 29/09/2023 by agreement. the applicant has produced the said agreement trolley and Tractor, R. C. Book of the said seized muddemal, ID Proof of Aadhar Card, copy of insurance and FIR copy. On going through the documents, it is seen that, the applicant is the owner of the said vehicle, which is seized in connection with Cr. No. 596/2025 by the Phulambri police.

8. The Hon'ble Supreme Court has issued direction

regarding the disposal of property in **AIR 2003 Supreme Court 638 Sundarabai Desai V/s. State of Gujrath** and observed in para No. 17 that,

“In our view, whatever be the situation, it is of no use to keep such seized vehicle at police stations for a long period. It is for the magistrate to pass appropriate order Immediately by taking appropriate bond and guarantee as well as security for return of said vehicles, If required at any point of time”.

9. After going through the cited case as supra, there is no hurdle to release the vehicle in interim custody of applicant. Hence I pass following order.

<u>ORDER</u>	
1.	The application is allowed.
2.	The officer in-charge of Phulambri, Police Station is hereby directed to handover interim custody of MAHINDRA & MAHINDRA LIMITED (TRACTOR) MAHINDRA 555 DI- NO- MH 21 AD 2086 & Chassis No. SBJU2039 & Engine No.SBJU2039 and Trailer No. MH 23-C-3843 and chassis No. ABHI496 i.e., property seized by Police Station Phulambri in Cr.No.596/2025 to the applicant on execution of Indemnity Bond of Rs. 9,00,000/- (In words Nine Lakh only), on following condition-
	a. Applicant shall produce said vehicle as and when required by the Court.
	b. He shall not sell, transfer or change the nature of said vehicle till final disposal of the said crime.
	c. He shall submit certified copy of relevant documents of

	the vehicle to PhulambriPolice Station at the time of furnishing indemnity bond.
	d. He shall furnish his proof of identity and proof of current address before or at the time of furnishing indemnity bond as above.
3.	The investigating officer is directed to carry out detail panchanama of vehicle before returning it and shall take coloured photographs of the vehicle in every angle to show the registration number of the said vehicle.
4.	The I.O. to file the indemnity bond and the Panchanama with coloured photographs in the chargesheet in this Court.
5.	Copy of this order be forwarded to I.O and P.I concerned forthwith.

Phulambri.
Date : 24.03.2026

(Dr. R. S. Kulkarni)
J.M.F.C., Phulambri.