

MHAU110003362026



Order below Exh.No.1 in
Cri.M.A. No.33/2026.
Ganesh Ramdas Gaikwad
Vs.
State Of Maharashtra.

This is an application filed by the applicant under section 503 the B.N.S.S. of 2023 for releasing the INTERNATIONAL TRACTORS-DI 42 HDM POWER PLUS- NO. MH 20 GQ 5806 & TRAILER NO. MH 20 AY 3261.

2. According to the applicant, he is the owner of applicant seized muddemal Tractor Bearing registration No. MH-20-GQ-5806 Chassis No. MWRSR102481153 & Engine No.3102NL14B1019219F33 & Trailer No. MH 20 AY 3261 Chassis No. MAS-147-2008 i.e., property seized by Police Station Phulambri in Cr.No.90/2026 for the offence punishable under Section 303 (2) B.N.S.

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 the said application on the ground that the applicant has illegally excavated the sand without permission. Applicant will not produce the said vehicle before revenue officer for penal action. Applicant will not produce the said vehicle as and when requiring during the trial and when required during the trial and may change the nature of the said

vehicle and prayed for rejection of the application 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. Hence, he prayed to reject the application.

6. I have heard both sides at length.

7. The applicant produced copies of 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.90/2026 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 INTERNATIONAL TRACTORS-DI 42 HDM POWER PLUS- NO. MH 20 GQ 5806, Chassis No. MWRSR102481153 & Engine No.3102NL14B1019219F33 & Trailer No. MH 20 AY 3261 Chassis No. MAS-147-2008 i.e., property seized by Police

	Station Phulambri in Cr.No.90/2026 to the applicant on execution of Indemnity Bond of Rs. 8,00,000/- (In words Eight 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 Phulambri Police 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 : 13.03.2026

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