

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BHOKAR.**

MHND110006372022



OMCA NO. 25/2022

Applicant : Santosh Sambhaji Jadhav,
Age 44 years Occu. Agril.
R/o Hampoli Mandal Kuber
Dist. Nirmal.

Versus

Respondent: The State of Maharashtra through
police station, Himayatnagar
Dist. Nanded.

Shri. S.S.Kunte, Advocate for the applicant...

Smt. S.A.Patil, APP for the respondent.....

ORDER BELOW EXH.01.

01- This is an application under section 457 of Code of Criminal Procedure for releasing Motorcycle Pulsar make bearing registration No. TS-18-F-5509 seized by police station, Himayatnagar, in crime No. 261/2022 punishable under section 363 of the Indian Penal Code and Section 3 and 4 of the Protection of Children From Sexual Offences Act,

2012.

02- API, police station, Himayatnagar has strong objection to return the seized vehicle bearing No. TS-18-E-5509 to the applicant. It is his contention that the vehicle in question has been seized in the commission of offence. It is his further contention that if the seized vehicle is given to its owner, there is every possibility to alter in the shape and colour and transfer it to anybody. The present applicant is inhabitant of other state. It is his further contention that if the vehicle is released, the possibility cannot be ruled out of its failure to produce it as and when required by the court.

03- Heard the learned advocate Shri S.S Kunte for the applicant and Ld.APP Smt. S.A. Patil for the state. Perused the application and all the documents produced on record. It is not in dispute that Pulsar motorcycle bearing No. TS-18-E-5509 has been seized by police station, Himayatnagar in crime No. 261/2022 under section 363 of IPC and POCSO Act. It is also not in dispute that the present applicant has not been arrayed as an accused in the crime. The crime has been registered against Satish Ramesh Pujekar and Akash Gadekar. The vehicle in question alleged to have been used by accused persons and still they are in jail. The investigation is in progress. Looking to the nature of the offence, the vehicle in question is not required to be detained either for the purpose of investigation or for the trial. The applicant is registered owner and the insured of the vehicle in question as per the documents produced below Exh. 04. It is only contention of API that if the vehicle is given to its registered owner then there is every possibility to alter its

shape, colour and transfer it. In order to avoid the loss to the owner of the vehicle, by taking care of apprehension of the I.O, it can be delivered to its owner by imposing certain terms and conditions. I, therefore, proceed to pass following order:-

ORDER

- 1) The application is allowed.
- 2) Pulsar Motorcycle (Bajaj make) bearing registration No.TS-18-F-5509 be handed over to the applicant on executing suprutnama of Rs. 75,000/-[Rs. Seventy Five thousand only].
- 3) The applicant shall not change the nature and appearance of the motorcycle in question.
- 4) The applicant shall not sale, alienate or dispose of the motorcycle till the decision of the main case.
- 5) The applicant shall produce the said motorcycle as and when directed by the court.

Date:- 05-12-2022

(R.D.Gadwe),
Addl. Sessions Judge, Bhokar.

CERTIFICATE

I affirm that the contents of this P.D.F file order are same word to word, as per the original order.

Name of the Stenographer : P.S.Malve, Steno Grade-1

Court Name : Adhoc District Judge-1 & ASJ Bhokar

Date : 05-12-2022

Order signed by the

Presiding Officer on : 05-12-2022

Order uploaded on : 06-12-2022