

Criminal Misc. Application No. 164/2026.**Tejas Phad V/s. State of Maharashtra.****CNR No : MHBI130010982026.****ORDER BELOW EXH - 01.**

The present application has been filed for seeking the interim custody of vehicle i.e. Hero Motocorp passion baring Registration No. MH-44-AH-7427 having Chassis No. MBLHAW424SHK01502 and Engine No. HA11F2SHK06001 seized by the Sambhajinagar Police Station, Parli Vaijnath in the Crime No. 109/2026 filed U/s. 303 of Bharatiya Nyaya Sanhita, 2023.

02. The I.O. filed his say and objected to release the vehicle on the ground that the seized vehicle is used in the crime, if the vehicle is released the accused will use it similar type of offence or changed its nature. The Ld. A.P.P. has filed his say. He submitted that investigating officer has submitted detail say, the same is considered as his say.

03. Ld. Advocate for the applicant has submitted that, the applicant is the owner of the said vehicle and he is ready to abide all the terms and conditions imposed by the Court. He has further prayed for the release of the said vehicle.

04. I have perused the documents filed by the applicant, i.e. copy of R.C. Book and Aadhar Card of applicant. From the above documents prima-facie it is discloses that the applicant is owner of the said vehicle. I am of the view that there is no sufficient reason to detain the said vehicle.

05. The possibility of damage to the vehicle can not be ruled out. Except applicant no other person has claimed the seized vehicle. In the case of, **Sundarbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujrat AIR 2003 SC 638**, it is held that, it would be justifiable to hand over the seized property to the applicant during the pendency of the trial. Considering the all above aspects, Therefore, I pass the following order.

:: O R D E R ::

01. The application is allowed.
02. The Investigation Officer is directed to take the FOUR colour photographs of the said vehicle i.e. Hero Motocorp passion baring Registration No. MH-44-AH-7427 having Chassis No. MBLHAW424SHK01502 and Engine No. HA11F2SHK06001 seized by the Sambhajinagar Police Station, Parli Vaijnath in the Crime No. 109/2026 filed U/s. 303 of Bharatiya Nyaya Sanhita, 2023, at the cost of the applicant and attach with the charge-sheet.
03. The Investigation officer is further directed to prepare Panchanama of said vehicle and submit to this Court along with the charge-sheet and handover the seized vehicle temporary to the applicant.

04. The applicant is also directed to execute an indemnity bond of ₹ 1,00,000/- (₹ One Lack Only) on the following conditions :-
- A) That the above vehicle should not be sold or disposed of in any way and shall be produced as and when the Court directs till the decision of the Crime.
05. The copy of said order be kept with the said crime.

Place : Parli Vaijnath.
Date : 02/06/2026.

(D. Y. Rairikar)
Judicial Magistrate F.C. (Court No. 2),
Parli Vaijnath.

:: **Certificate of Stenographer** ::

“I affirm that the contents of this PDF file are word to word as per original Order.”

Dictated On : 02/06/2026.

Transcribed On : 02/06/2026.

Checked & Signed On : 02/06/2026.

Date : 02/06/2026.

Place : Parli Vaijnath.

Sd/-

(K.A.Ugale)

Stenographer (Grade – 3)
Civil Court (Junior Division) & J.M.F.C.
Parli Vaijnath (MHBI-13)