

MHBU040004332024



Order below Exh.45
(Passed on 12.8.2024)

1. Perused application and say. Heard learned Adv.Mr.S.G.Bihade for applicant and Mr.S.B.Ingle, learned APP for prosecution. The application is filed for release of vehicle motorcycle Honda CB Shine [Black color] bearing registration No.MH-30-AU-0497, Chassis number ME4JC651DGT225171, Engine number JC65ET0334778 seized in Crime No.55/2024 registered at police station Khamgaon Rural for the offence punishable u/s 363, 366, 366-A, 376(2)(n) of the IPC, under Sections 4 & 17 of the POCSO Act and under Sections 3(1)(w)(i)(ii), 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

2. It is stated that the applicant is the owner of the said seized vehicle and the vehicle is daily need for his livelihood. It is further submitted that the applicant will abide the terms and conditions that may be imposed by the Court while releasing the said seized vehicle into his custody on Supuratnama.

3. Learned APP Mr.S.B.Ingle filed say vide Exh.48. It is submitted that the vehicle was used in the commission of offence and the said vehicle would be required for trial if the vehicle is released on

Supuratnama then there is possibility that applicant may destroy or sell it and may not be produced during trial when require. Hence, prayed to reject the application.

4. The applicant has produced on record the verified copy of the RC Book which prima facie goes to show that the vehicle in question belongs to the applicant. The vehicle is lying idle in the police station. It may be damaged if remain with police station. It has been held by the *Hon'ble Supreme Court in Sunderbhai Ambalal Desai V/s. State of Gujarat, SPL (Cri) 2745 of 2002*, it is of no use to keep the seized vehicle at the police station for a long period, by taking Supuratnama Bond to the satisfaction of Court, the seized vehicle be released. Therefore, I found that the applicant is entitled for release of vehicle upon certain terms and conditions. In sequel, I hold that the application in hand requires to be allowed. Resultantly I pass the following order :-

ORDER

- 1] The application Exh.45 is allowed.
- 2] The officer in-charge of Police Station/ investigating Officer, of police station Khamgaon Rural is directed to deliver the custody of vehicle motorcycle Honda CB Shine [Black color] bearing registration number MH-30-AU-0497, Chassis number ME4JC651DGT225171, Engine number JC65ET0334778 seized in Crime No.55/2024 to the applicant Shaikh Qayyum Shaikh Salim, R/o. Shirpur, Tq.Patur, Dist.Akola, on his on his executing Supuratnama bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) and on his undertaking that he shall not make any alteration in the said vehicle and will produce it as and when required by the Court during the trial, in connection with the said crime.

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- 3] PSO/ I.O. shall take necessary photographs of the vehicle in question at the expenses of the applicant, so that its identity can be established during the trial and forward such photographs to this Court.

Dt.12/8/2024

(G.B.Jadhav)
Special Judge, Khamgaon,
Dist.Buldhana.

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Certificate

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

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.
Name of Court : Special Judge, Khamgaon, Dist. Buldana.