

MHBU070005262026



Received On : 16/02/2026
 Registered On : 16/02/2026
 Decided on : 16/03/2026
 Duration : Y M D
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IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
SHEGAON, DIST. BULDANA.
(Presided over by N. D. Meshram)

Cri. M.A. No. 16/2026
Exh.1

Kishor Namdeorao Patil,
 Through Power of attorney holder -
 Dhirajkumar Rampalsing,
 Aged 33 years, Occu. - Serivice,
 R/o. Bareli Uttar Pradesh.
 Currenty resided At Shegaon,
 Tq. Shegaon, Dist. Buldana. Applicant

Vs.

State of Maharashtra,
 Through Police Station Shegaon City.
 Tq. Shegaon, Dist. Buldana. Non-applicant

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 Adv for applicant : Shri. B. U. Brahmane,
 Adv for Non-applicant : Smt. S. V. Ingle, APP,

Judgment

(Delivered on 16/03/2026)

The instant application is filed under section 503 of BNSS for releasing four wheeler Hyundai Ester bearing registration No. MH-49-CS-4956 Chasis No. MALB351CLSM214298 and Engine No.G4NASM545354, and golden tops 4 piece and 1 bracelet seized in Crime No.90/2026 for the offence P/u/s. 331(3), 331(4), 305(A) of BNS registered at Police Station, Shegaon City.

2. It is the contention of the applicant that he is the owner of above mention vehicle and golden article. He has authorized his son-in-law to file the instant application. The applicant has given the four wheeler to his son-in-law to use it for the purpose of going to the office. Shegaon City police have seized the vehicle and golden article in crime No.90/2026. The applicant needs the vehicle and golden article for his daily work. The applicant is ready to abide by any condition to be imposed by this court while releasing the vehicle and golden article. Hence, applicant prayed for releasing the vehicle on supurdnama.

3. I.O. and App filed their say. I.O. did not opposed the application and gave no objection to release the vehicle and golden article and bracelet on supurdnama. Ld. APP opposed the application and submitted that seized muddemal is important piece of evidence. and necessary to prove the guilt of the accused. The applicant may change the nature of the seized muddemal. Hence, Ld. APP prayed for rejection of the application.

4. Heard Ld. counsel for applicant and Ld. APP. Perused the document filed in support of the claim and affidavit sworn before the court by applicant. It appears that applicant is the owner of the seized vehicle and golden article which is duly reflected from document filed by the applicant. Ld. App submitted that the applicant may change the nature of the seized muddemal and it will be difficult for the prosecution to prove the guilt of the accused in the absence of the seized muddemal during the course of the evidence. This apprehension can be taken care of by directing the I.O. to take the photographs of the seized vehicle and golden article which are to be filed along with the charge sheet.

5. Considering the documentary evidence on record, I find that no purpose would be served by keeping the seized vehicle and golden article

lying in the police station unattended. The possibility of damage to the vehicle and golden article cannot be ruled out if it is allowed to be kept lying in the police station. Considering the nature of seized vehicle and golden article its protection, guardian and safe custody is not reasonably practicable if the vehicle and golden article remains at police station unattended and idle. The apprehension raised by the I.O. and Ld. APP can be taken care of by imposing the conditions on the accused.

6. Considering the ratio laid down by Hon'ble Apex Court in the case of "**Sundarbhai Ambalal Desai Vs. State of Gujrat, 2002(9) SCALE 153**", I am of the view that it would be proper and in interest of the justice to return the vehicle and golden article to applicant. Hence, I proceed to pass the final order as under.

ORDER

1. Application is allowed.
2. Four wheeler Hyundai Ester bearing registration No. MH-49-CS-4956 Chasis No. MALB351CLSM214298 and Engine No.G4NASM545354, and golden tops 4 piece and 1 bracelet seized in Crime No.90/2026 be returned to Dhirajkumar Rampalsing till the conclusion of the trial on executing indemnity bond of 10,00,000/- (Rs. Ten Lack Only) against the vehicle and golden article.
3. The applicant to undertake that he shall not sell, transfer or create any third party interest on the above vehicle and golden article. The applicant to maintain and preserve vehicle and golden article in all respects. The applicant shall produce the vehicle and golden article in question as and when required and directed by the court and investigation officer. The applicant shall not use the vehicle and

golden article nor handed over the vehicle and golden article to anybody for committing of any offence.

4. The I.O. is directed to prepare detail panchanama of the said vehicle and golden article, take photograph of the vehicle and golden article from four angle and release the above vehicle and golden article. The photographs of the vehicle and golden article shall be filed along with charge sheet.
5. The custody of the said vehicle and golden article is interim pending trial and subject to final order in the case.

Sd/-

(N. D. Meshram)

Judicial Magistrate F.C.,
Shegaon.

Dt. 16/03/2026

I, *P. K. Ingle*, Stenographer Grade-III of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the original Order.