



CNR No. MHDH040001482026

Order Below Exh. 01 in Cri. M. A. No. 20/2026

This is an application under Section 503 of the BNSS, praying for interim custody of property.

2. Heard learned advocate for the applicant and learned A.P.P. for the state. Perused the application and the say filed by the learned A.P.P. and the Investigating Officer. Perused record of the case.

3. It is submitted by the applicant that he is the owner of a motor vehicle of model Maruti Super Carry Diesel Std of Maruti Suzuki India Ltd. Company bearing registration no. MH-18-BG-4227 having chasis no.MA3FZBH1T00142330 and engine no.E08AN1049282. The said vehicle is seized by the Police Station, Dondaicha in C.R.No.46/2026 registered with said Police Station u/s. 124 and 119 of Maharashtra Police Act, 1951. It is further submitted that he is in need of the aforesaid vehicle for his daily chores. The said vehicle is standing at the Police Station. If the said vehicle is kept in the custody of police, it will get damaged and would lose its value. It is further submitted that he is ready to abide with the terms and conditions imposed on him by the court. He would not alienate the said vehicle. He would not make any alteration to it nor he would change its nature. Hence, the applicant prays that interim custody of the aforesaid vehicle be given to him.

4. The learned A.P.P. has strongly opposed the application. In short, it is submitted that vehicle is used during commission of offence of unlawful transport of bovine animals. This offence is serious in nature. If the vehicle is released in favour of the applicant it might be used again in commission of similar crime. Hence, it is prayed that the application may be rejected. The investigating officer filed say at Exh.5. It is submitted that vehicle is used during commission of offence of unlawful transport of five bullocks. In case the vehicle is released in his favour of the applicant it might be used again in commission of similar crime. An investigation is underway to determine whether the vehicle in this application has been used in any other crimes. Hence, it is prayed that the application may be rejected.

5. The applicant has produced following documents in support of his application :-

- i)** A copy of R.C. Book (Exh.3/2)
- ii)** A copy of AADHAAR Card (Exh.3/1)
- iii)** A copy of online F.I.R. in C.R.No.46/2026 registered at Dondaicha Police Station (Exh.3/5)
- iv)** Insurance Certificate of said vehicle (Exh.10/1)
- v)** A copy of PUC certificate (Exh.3/4)
- vi)** A copy of F.I.R. in C.R.No.46/2026 registered at Dondaicha Police Station (Exh.7/1)

6. The application is supported by an affidavit. Upon perusal of verified copy of R.C. Book (Exh.3/2) produced on record, it seems that the applicant is recorded therein as an owner of the seized vehicle. There is no other claimant to claim custody of the said vehicle. Considering the aforesaid material on record, the applicant appears to be entitled to the possession of the aforesaid vehicle. The vehicle is standing idle in the custody of police. The possibility of the vehicle getting damaged and losing its value cannot be overruled. The applicant has expressed his willingness to abide by the terms and conditions, if any, imposed by the court upon him. Therefore, in my opinion, no purpose would be served by keeping the vehicle in the custody of police. As far as, the apprehensions raised by the learned A.P.P. and the Investigating Officer are concerned, they could be taken care of by imposing appropriate conditions on the applicant. Under such circumstances, it would be appropriate to allow the application and handover the interim custody of the aforesaid seized vehicle to the applicant by imposing certain conditions upon him. Needless to say that the present order would be interim in nature and subject to any appropriate order each might be passed in appropriate proceedings. Hence, the following order is passed :-

ORDER

- 1) The application is allowed.

- 2) The interim custody of the seized vehicle i.e. model Maruti Super Carry Diesel Std of Maruti Suzuki India Ltd. Company bearing registration no. MH-18-BG-4227 having chasis no. MA3FZBH1T00142330 and engine no. E08AN1049282 be given to the applicant, till further orders, on following conditions :-

- (a) The applicant shall undertake to produce the aforesaid seized vehicle before the court or the police as and when directed.
 - (b) The applicant shall undertake not to change the nature, features or properties of the aforesaid seized vehicle.
 - (c) The applicant shall undertake not to alienate the aforesaid seized vehicle without prior permission of this Court.
 - (d) The applicant shall not use or allow the said vehicle to be used in commission of any offence.
 - (e) The applicant shall undertake to produce the documents pertaining to the vehicle before the Investigating Officer whenever required to do so.
 - (f) The applicant shall co-operate with the Investigating Officer during investigation of the aforesaid crime.
- 3) The applicant shall execute a Supurtanama bond, before me, binding him to comply with the above conditions and in default to forfeit an amount of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only).
- 4) Upon execution of the aforesaid Supurtanama bond, before me, the Investigating Officer shall handover the custody of the aforesaid seized vehicle to the applicant after drawing necessary panchnama and obtaining four attested colour photographs, capturing all four

dimensions of the said vehicle, at the expense of the applicant and send the same to the court.

- 5) Record and proceedings of this application, the aforesaid colour photographs and panchnama be tagged with the case that may be filed in concerned crime.

Place : Dondaicha
Date : 11/03/2026

(Aditya G. Naik)
Judicial Magistrate First Class,
Dondaicha

CERTIFICATE

It is certified that the contents of the present PDF file are true and correct as per the original signed order/judgment.

Name of stenographer : G. S. Ahire
Name of Court : Civil & Criminal Court, Dondaicha
Date : 11/03/2026