

ORDER BELOW EXH.12

1. Applicant Lalit Bhimrao Malwe moved this application under [Section 451](#) of Cr.P.C. for interim custody of the seized vehicle bearing Reg. MH/18/AA/8333 seized in Nardana P.S. Crime No.25/2016.

2. The gist of the facts in this case is that applicant was transporting the bullocks belongs to one Bablu Radhesham Barde. It is the case of the respondent that vehicle was being used for illegal transportation of bullocks exceed than permitted limit, which is an offence under the Prevention of cruelty to Animal Act, 1960 and Maharashtra Animal Preservation Act, 1976. Upon such information, the vehicle and the bullocks therein was detained and seized by the investigation officer and a complaint came to be lodged against the accused.

3. It is common knowledge that constant exposure of the immobile motor vehicles to the vagaries of weather seriously affects the condition of the vehicle as the exposure to the sunshine and rain can lead to corrosion of parts and paint. It is also a possibility and an invitation to miscreants to try and remove valuable parts from the stationed vehicles. It is an admitted fact that the respondent is not in a position to provide constant security to the seized vehicles. If ultimately the applicant / accused are acquitted by the Court, which could possibly be after the lapse of few years, what could be handed over to the owner could be just scrap. Another aspect is that applicant does not claimed the bullocks contained in vehicle, but no use to keep it police station, hence it can be released with applicant by imposing conditions. Hence it is just and proper to release the vehicle to applicant who being registered owner , accordingly I proceed pass following order.

ORDER

1 The vehicle bearing Registration No.MH 18 AA 8333 seized in Nardana P.S. Crime 25/2016 is directed to be delivered to the interim custody of the applicant after furnishing supurnama bond Rs.5,00,000/- (In words rupees Five lakh only) and he shall abide the following conditions-

- i) The applicant shall not encumber or alienate the vehicle.
- ii) The applicant shall not alter the physical features.
- iii) The applicant shall produce the vehicle before the court as and when directed to do so.
- iv) The applicant shall not use the said vehicle for the transportation of any animal as defined under the Act and Rules.
- v) In the event of violation of any of these conditions the investigation officer is at liberty to approach this Court for revocation of this order.
- vi) Investigation Officer is directed to take the photograph of said vehicle and prepare its detail panchanama and produce it in main case and compliance be reported.
- vii) The application will be kept with crime No. 25/2016.

sd/-

Date-19/09/2016

(P.S.Bhandari)
Judicial Magistrate First Class
Shindkheda.