

MHGA100001062024



Received On :18/10/2024
Registered On :18/10/2024
Decided on :27/03/2026
Duration : Y M D
01 05 09

NYAYADHIKARI, GRAM NYAYALAYA, MULCHERA
DIST. GADCHIROLI
(Presided over by Y. J. Valvi)

Cri. M.A. No.50/2024
Exh.1

Shri. Ishwar Nanaji Sadmek,
Aged 43 years, Occu. - Farmer,
R/o. Gomani,
Tah. Mulchera Dist. Gadchiroli.

Applicant

Vs

State of Maharashtra,
Through Police Inspector,
Police Station Mulchera,
Tah.Mulchera, Dist.Gadchiroli.

Non-applicant

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Adv for applicant : Shri V. G. Chilange

Adv for Non-applicant : Shri S. M. Salame, APP
.....

Judgment
(Delivered on 27/03/2026)

The instant application is filed under section 503 of Bharatiya
Nagarik Suraksha Sanhita for releasing two wheeler Bajaj Discover
vehicle bearing registration No. A.P.15/AV/8926 Chassis No.
MD2DSPAZZTWM09861 and Engine No. JBMBTM88335 seized in
Crime No. 71/2024 for the offence p/u/s 112 of BNS and 12(a) of Bom.

Gam. Act registered at Police Station, Mulchera.

2. It is the contention of the applicant that, he is owner of the above mentioned vehicle and he was in possession of the said vehicle on the basis of agreement. On 26/08/2024 Mulchera police have seized the vehicle on the charge of 112 of BNS and 12(a) of Bombay Gambling Act and registered the offence against him and others vide crime no.71/2024. Vehicle is standing idle and unattended in Mulchera police station. The applicant requires the vehicle for his daily works. The applicant is ready to abide by any condition to be imposed by this court while releasing the vehicle.

3. IO filed his say and opposed the application on the ground that investigation is going on. If the vehicle is released on supratnama he will commit the same kind of offence again if the vehicle released to him. The applicant has not produced any document of said vehicle. Therefore, he prayed to reject the application. Ld App filed say that, the applicant is not owner of the vehicle and the investigation is in progress and if it returned to applicant then there are chances that he may repeat the same kind of offence. Ld APP further submitted that, there is no insurance of the vehicle. Therefore, he prayed to reject the application.

4. Heard both sides. Perused the application and documents filed with it. The FIR shows that the vehicle was seized from the custody of applicant. No one has claimed the said vehicle except the applicant. If the said vehicle kept unused at the police station it will become junk. Considering the ratio laid down in **Sunderbhai Ambalal Desai Vs. State of Gujrat on 1 October, 2002**, the application deserves to be allowed. Therefore, I proceed to pass following order.

ORDER

- 1 Application is allowed.
- 2 Two wheeler Bajaj Discover vehicle bearing registration No. A.P.15/AV/8926 Chassis No. MD2DSPAZZTWM09861

and Engine No. JBMBTM88335 seized in Crime No. 71/2024 be returned to applicant Shri. Ishwar Nanaji Sadmek, till the conclusion of the trial on executing indemnity bond of 40,000/- (Rs. Fourty thousand Only) against the vehicle.

- 3 The applicant to undertake that he shall not sell, transfer or create any third party interest on the above vehicle and he shall not change the nature of vehicle. The applicant to maintain and preserve vehicle in all respects. The applicant shall produce the vehicle in question as and when required and directed by the court and investigation officer. The applicant is further directed to undertake that he shall not use the vehicle in commission of any offence including the offence in which the vehicle was seized.
- 4 The I. O. is directed to prepare detail panchanama of the said vehicle, take photograph of the vehicle from four angle and release the above vehicle.
- 5 Prosecution is at liberty to approach this court for cancellation of the supratnama bond in case of breach of condition by the applicant or anybody on behalf of the applicant.
- 6 The record and proceeding of this application be attached to the chargesheet in crime 71/2024 of Mulchera police station .
- 7 The custody of the said vehicle is interim pending trial and subject to final order in the case.

Dt. 27/03/2026

(Y. J. Valvi)
Nyadhikari, Gram Nyayalaya,
Mulchera.

CERTIFICATE

I affirm that the contents of this P.D.F.
file are word to word same, as per original Judgment.

Name of Stenographer :Mr. S.N.Khandekar, Stenographer
(Grade-3)

Name of Court :Nyadhikari,Gram Nyayalaya,
Mulchera.

Date of Judgment/Order : 27/03/2026.

Judgment checked and
signed by Presiding Officer on : 27/03/2026.

Judgment uploaded on : 27/03/2026.