

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SPECIAL (MCOCA) CASE NO. 41/2022.
(CNR NO.MHGO01000647-2022)

State, PSO, Deori -Vs- Ajay @ Fauji & oth.

ORDER BELOW EXH. 20.

(Passed on this 18th day of November, 2022)

This is an application filed by the applicant under Sec.457 of Cr.P.C. for releasing the Mahindra Scorpio vehicle bearing No.KA-05/MY-2215 on suptrnama.

2] Learned advocate for the applicant submits that the applicant is the owner of Mahindra Scorpio vehicle bearing No.KA-05/MY-2215 which was seized by Police Station, Deori in Crime No.249/2021 for the alleged offence punishable under Sec. 395, 341, 342, 365, 323 120(B), 412 of IPC, Sec. 3(1)(ii), 3(2) & 3(5) of MCOCA Act and Sec. 3 & 5 of Indian Arms Act. He further submits that the applicant has no concerned with the present offence. The said vehicle seized by the police from the employee of the applicant by name Arjanji Jadedda. Applicant requires said vehicle for his business purpose. He has produced registration particulars as per list of document Exh.21 which shows that the applicant is the owner of the said vehicle in question. He further submits that no purpose will be served by keeping idle of the said vehicle. He submits that the applicant is ready to abide any of the condition and is ready to produce the said vehicle as and when directed by the Court. He has prayed for grant of application.

4] I.O. has filed reply at Exh.33 and has given no objection on condition that the applicant should not sell, change the colour or appearance and to produce the vehicle during the trial.

5] Learned DGP Shri Chandwani has also filed say and opposed the application on the ground that the vehicle is a piece of evidence which required at the time of evidence and there is possibility of dispose of the vehicle. He has prayed for rejection of application.

6] Perused the charge-sheet. The applicant is not the accused in the said case. The applicant is the employer of the informant. The documents on record filed by the applicant i.e. registration certificate shows that the applicant is the owner of the said vehicle. Charge-sheet is filed and trial would take some time. No purpose will be served by keeping idle of the said vehicle. Appropriate conditions can be imposed to produce the said vehicle. Hence, I pass following order.

ORDER

1] Application (Exh.20) is allowed.

2] The Mahindra Scorpio vehicle bearing No.KA-05/MY-2215 be released to the applicant **Kamlesh Rajnikant Shah** on executing supratnama bond of Rs.10,00,000/- on the following conditions;

- [i] The applicant shall not change the colour or appearance of the vehicle.
- [ii] The applicant shall not sell, alienate or transfer the said vehicle without prior permission of the Court.
- [iii] The applicant shall produce the said vehicle as and when directed by the Court.

3] Application is disposed of accordingly.

Gondia.
Dated:18.11.2022.

Sd/-*
(Adil M. Khan)
District Judge-1 & ASJ,
Gondia.