

ORDER BELOW EXH.20 IN SESSIONS CASE No.33/2025

The present application is filed by accused no.7 namely Balwansingh Shyamsingh Kalani, for the interim custody of the TVS Rider two wheeler motorcycle bearing No. MH21-BY-5617 which is seized by Chandanzira Police Station in C.R. No.461/2024 which is registered for the offence punishable under section Secs. 109, 118(1), 189(2), 190, 191(2)(3), 324(4)(5), 351(2), 352 of BNS and Section 4, 25 of Arms Act.

2] The learned counsel for the applicant/accused no.7 submitted that the applicant is the owner of the aforesaid vehicle. If the vehicle kept as it is in police station, then it may get damage. Hence he prayed that the interim custody of the aforesaid vehicle shall be handed over to the applicant.

3] The Ld. APP for the state submitted that the aforesaid motorcycle has been seized in serious offence. There is every possibility that applicant may dispose off the motorcycle or may change its nature. He will not produce the vehicle as and when required by the court. Hence, he prayed that the application shall be rejected.

4] Perused the police papers. The allegations against the present accused that he along with the other accused armed with sword and stick, assaulted the informant. During investigation said vehicle came to be seized from accused no.7. The The applicant/accused no.7 has filed on record the copy of R. C. book along with Exh.23/1 which shows that the vehicle bearing no. MH21-BY-5617 is

owned by present applicant/accused no.7. He also produced the copy of third party insurance, also with own damage two wheeler insurance policy of the aforesaid motorcycle which is produced along with Exh.23/4.

5] The Ld. Advocate for applicant relied upon authority, "Sunderbhai Ambalal Desai Vs State of Gujrat", Special Leave Petition (Cri.) No. 2745 of 2002 decided on 1st October 2002.

6] I have gone through above authority. The vehicle seized in present case in hand is insured. If the vehicle is kept as it is in the police station, then it will get damaged. No purpose will be served by keeping the vehicle in idle condition in the Police Station. Hence, it will be proper to hand over the interim custody of the motorcycle to the applicant. As a result, I passed the following order.

Order

1. The application Exh.20 is allowed.
2. The PI./I.O. of **Chandanzira Jalna Police Station** is directed to **handover the interim custody** of motorcycle of TVS Rider company bearing No.**MH-21-BY-5617** which was seized in **C.R. No.461/2024** to the applicant on the following conditions.
 - (a) Applicant to give **Indemnity Bond of Rs.1,00,000/** (Rs. One Lakh only) towards the concerned Investigating Officer.
 - (b) Four photos of the vehicle shall be taken at the cost of the applicant and also to take appropriate receipt from the photographer.

- (c) I.O. shall prepare panchnama in detail while delivering the motorcycle to the applicant.
 - (d) Applicant shall not to transfer, alienate or change the nature of the motorcycle.
 - (e) Applicant shall produce the said motorcycle as and when required by this court or higher court.
 - (f) I.O. shall file all the aforesaid documents in this Court.
3. Issue intimation accordingly to the concerned police station.

Date: 03/04/2025

(Smt. B. S. Gare)
Additional Sessions Judge-4,
Jalna.