

	S.C.C. No. 106/2026 State ..vs.. Asif
--	--

ORDER BELOW EXH. 5

(Dt. 31.03.2026)

This is an application under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed by applicant for the interim custody of the property i.e. Mahindra auto bearing registration No. MH-02 CE-5731 which was purchased from Ravindra Himmatrao Barde seized by Police Station, Jafrabad in Crime No. 10/2026 for the offence punishable under Section 9 (a), 9, 5 (c), 5 of Maharashtra Animal Protection Act.

2. The applicant submitted that his auto is seized by non-applicant. It is contended that the auto is owned by applicant and it is very useful for his livelihood. He is ready to abide conditions imposed by the Court. Therefore, prayed for releasing the seized property in his favour.

3. The Investigating Officer has filed a detailed reply at Exh.6 opposing the application. The Learned A.P.P. has also opposed the prayer, submitting that if the seized vehicle is released then it will be used for committing same kind of offence. Hence, prayed to reject the application.

4. Perused the application and record. The application is supported with affidavit of the applicant. The applicant has produced on record verified photo copy of sale agreement of auto dt. 12.11.2025 at Exh.4/1, verified photo copy of auto registration certificate at Exh.4/2. On perusal of the same, it appears that the applicant is owner of seized auto. It reveals from the FIR that the auto was seized in Crime No.10/2026 for the offence punishable under Section 9 (a), 9, 5 (c), 5 of Maharashtra Animal Protection Act. Thus, when applicant has filed

all proof in respect of his ownership of seized auto this Court is satisfied that the applicant is entitled to interim custody of the auto on reasonable conditions including prohibiting applicant from using auto for any criminal activity.

5. However, on perusal of the record it reveals that the auto appears to be in the name of Ravindra Himmatrao Barde. Hence, it would be necessary to direct the applicant to register the auto in his name with the authority and complete the procedural work. Accordingly, the applicant is directed to complete the R.T.O. formalities and supply the copy of registration certificate of the auto to the Investigating Officer within one month. Considering all circumstances at present if interim custody is not granted to the applicant it may cause inconvenience as the auto would get damage lying the custody of police. Hence, following order is passed:

ORDER

1.	The application is allowed.
2.	The interim custody of the property i.e. auto bearing registration No. MH-02 CE-5731 seized in Crime No. 10/2026, registered with Police Station, Jafrabad be handed over to the applicant Shaikh Asif Shaikh Hanif Kureshi till the final disposal of case on his executing indemnity bond of Rs. 50,000/ (Rs. Fifty thousand only) for auto on the following conditions:
a.	Applicant shall not transfer the same in any manner.
b.	He shall not change its nature in any manner.
c.	He shall not use it for commission of any crime.
d.	He shall produce the same as and when required by the Court.

3.	The I.O. shall prepare detailed panchanama before handing over the property and to take photographs of released property for the purpose of identification.
4.	The expenses of photograph shall be borne by the applicant.
5.	The applicant is directed to complete the R.T.O. formalities and supply the copy of registration certificate of auto along with registration number to the investigating officer within one month.
6.	The I.O. is directed to report the compliance to this Court after releasing the property, as soon as possible.
7.	Copy of order be given to P.S.O., Jafrabad Police Station.

Dt. 31.03.2026

(A.N.Khatade)
Judicial Magistrate First Class,
Jafrabad.

CERTIFICATE

Affirm that the contents of this PDF file are word to word as per original order.

Dt. 31.03.2026

Sd/-xxx
(Ahmad Shaikhh)
Stenographer.