

MHKO010002342024 	<u>Order below Exh. 26</u> <u>in Spl. Case No. 11 of 2024.</u>
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1. This is an application under section 451 of Cr.P.C. for release of muddemal Motorcycle bearing registration No. MH-08-AE-9877. As per contention of applicant, he is registered owner of the muddemal vehicle described above. It has been seized by the police in Crime No. 569 of 2023 registered with Rajarampuri police station and now pending in the stationary condition in police station. As per his contention, muddemal vehicle is of his daily use. If it is kept in stationary condition, that damage and depreciation will be caused to said vehicle and unnecessarily he would suffer economical loss. If it is released in his favour on indemnity bond, he will not change colour, structure of said vehicle or he will not alienate the same to anybody till final decision of this case. Hence, prayed for releasing the vehicle in question in his favour.

2. The prosecution has filed its say on the application itself stating therein that muddemal vehicle has been used while committing the offence. The accused has used this vehicle in commission of serious crime. Prosecution objected to release the

muddemal vehicle in favour of the applicant by imposing terms and conditions.

3. Following points arise for my determination and I have recorded my findings thereon for the reasons given thereunder.

Points	Findings
1. Whether muddemal motor cycle is required to be released in favour of applicant ?	– Yes.
2. What order ?	– As per final order.

REASONS

As to Point no.1 and 2 :

4. Heard learned counsels for both sides and perused the documents i.e. Vehicle particulars, Insurance Policy, copy of Aadhar card submitted by the applicant. From these documents, it is obvious that the applicant is a registered owner of the above described vehicle. If it is kept in stationary condition in police station, certainly, damage and depreciation will be caused to the muddemal vehicle and the applicant will suffer economical loss unnecessarily. Applicant is the owner of the said vehicle. Hence, I am of the view that there is no hurdle to handover interim custody of vehicle to the applicant who is registered owner of this vehicle

by imposing conditions on him. Hence, following order.

ORDER

1. Application is allowed.
2. Muddemal property motorcycle bearing registration No. MH-08-AE-9877 be released in favour of applicant on executing indemnity bond of Rs.1,00,000/- (Rs. One lakh only) on following conditions.
3. The Investigating Officer is further directed to take photographs of the said vehicle and prepare detailed panchanama at the time of returning the above said vehicle to the applicant.
4. The applicant shall not change colour and structure of the muddemal vehicle, so as to destruct identity of muddemal vehicle, till final decision of this case.
5. The applicant shall produce muddemal motorcycle before this court as and when directed by this court, by his own expenses.
6. The applicant shall not alienate muddemal motorcycle either by way of sell, gift etc. to anybody till final decision of this case.
7. The applicant shall not use this motorcycle for commission of crime in future.

Date : 7.8.2024.

(**P. F. Sayyad**)
Additional Sessions Judge,
Kolhapur.