


MHKO010008912026. 	<b><u>Order passed below Exh. 1 in</u></b> <b><u>Misc. Cri.Appln No. 47/2026</u></b> <b><u>( Rohit Sambaji Hankare Vs.State of Maharashtra )</u></b>
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1. The applicant is seeking custody of the seized two wheeler Hero Honda Splendor Plus Drum Spoke Wheel motorcycle, bearing Registration No. MH-09-DH-8409, which has been seized during investigation in C.R. No.3/2026, registered with the Panhala Police Station.
2. It is contended that, the said motorcycle was purchased by the father of the applicant; who died on 20/12/2014. Thereafter, the applicant was using the said motorcycle. However, due to ignorance, he did not get it registered in his name. The motorcycle is of day-to-day use for the applicant and if it is is detained in the police station for indefinite period, it may get damaged due to weather conditions. The applicant has undertaken to abide by the conditions that may be imposed or produce the motorcycle before the Court whenever required.
3. The State has filed say, stating that, during the investigation said two wheeler has been seized. The State has not raised any specific objection to the application.
4. Heard the Ld. Advocate for the applicant and the Ld. APP for the State.

5. The applicant has placed on record copy of the R. C. Book which transpires that, Hero Honda Splendor Plus motorcycle (Drum Spoke Wheel) bearing No.MH-09-DH-8409 is registered in the name of Sambaji Shamrao Hankare. The applicant has also placed on record copy of death certificate showing that, his father Sambaji has died on 20/12/2014. He has also placed on record death certificate regarding death of his brother Rahul on 23/03/2019. The applicant's mother Vatsala has filed affidavit stating that, her husband Sambaji and son Rahul are dead and she has no objection to give the seized motorcycle in custody of the applicant. The applicant has also placed on record copy of the insurance policy and it appears that, the vehicle is insured in the name of the applicant. Copy of the ration card is also placed on record, showing that, the family of the applicant's father Sambaji consisted of the applicant, his brother Rahul(deceased) and mother Vatsala. The crime is registered for the offence punishable under section 137(2) of the Bhartiya Nyaya Sanhita, 2023 and the said motorcycle has been seized from the possession of the applicant. Considering all these circumstances, I hold that the applicant is entitled to the interim custody of the seized motorcycle. There is possibility that, the vehicle may get damaged due to the weather conditions, if it is detained in the police station for a long period. It may take considerable time in deciding the said criminal case on merits. Therefore, it will be in the larger interest of justice to give the seized motorcycle in the interim custody of the applicant on indemnity bond with conditions. Hence, I pass the following order:

**ORDER**

(1) The application is allowed.

(2) The Hero Honda Splendor Plus Drum Spoke Wheel motorcycle, bearing Registration No. MH-09-DH-8409, Chassis No.MBLHA10ALDHM71134, Engine No.HA10EJDHM52879 seized in C.R. No. 3/2026, registered with the Panhala Police Station, Kolhapur, be returned to the applicant Rohit Sambaji Hankare on following conditions:

- (a) That the applicant shall execute an indemnity bond (supurtnama) for Rs.50,000/- (Rs. Fifty Thousand only).
- (b) The applicant shall not make any material changes in the appearance of the vehicle, nor shall sell or dispose it of without permission of this Court till the trial is over.
- (c) The applicant shall produce the said vehicle as and when directed by this Court.

(3) Issue letter to the concerned Police Station on compliance by the applicant.

(4) Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date: 24/04/2026

(R. V. Utpat)  
Additional Sessions Judge,  
Kolhapur.

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

Name of the Stenographer	Sou.S.R.Tambvekar
Name of Court	Shri. R. V. Utpat Addl. Sessions Judge, Kolhapur
Date of Dictation	24/04/2026
Order signed by the P.O. on	24/04/2026
Order uploaded on	24/04/2026