

MHKO010051002022



ORDER BELOW EXH.70 IN SPECIAL (MPID)CASE No.285-2022

A SELTOS D 1.5 6AT GTX PLUS Car bearing registration No. MH-09-FX-O712, more particularly described in this application was seized in C.R.No. 739/2022 registered in Shahupuri Police Station under Section 420, 406, 409 r/w 34 of the Indian Penal Code, 1860 and under Section 21, the Banning of Unregulated Deposits Schemes Act, 2019 Act and Section 3, 4, 6 of M.P.I.D. Act. The applicant has filed this application for interim custody of the said car under section 451 of the Criminal Procedure Code, 1973.

2. The say of prosecution was called and the prosecution has objected for the same by its say (Exh.82) alleging that the said car was used for commission of the aforesaid offences.

3. Heard Shri. G.M. Khan the learned advocate for the applicant and Shri. A.A. Mahadeshwar, the learned APP. Admittedly, the applicant is the registered owner of the car and it was seized from the possession of the applicant. According to the applicant, the said car is for day today use of her and it is no more required for investigation. The reliance is placed on the judgment in **Sunderbhai Patel v/s State of Gujrat [AIR 2003 SC 638]**.

4. Keeping in mind the dictum in the judgment cited above, no useful purpose would be served in keeping the said car idle in the police station. It would be just to give its interim custody to the applicant on certain conditions. Hence the order.

ORDER

1. Application is allowed.
2. The interim custody of the SELTOS D 1.5 6AT GTX PLUS Car bearing registration No. MH-09-FX-O712, which was seized in C.R.No. 739/2022 registered in Shahupuri Police Station under Section 420, 406, 409 r/w 34 of the Indian Penal Code, 1860 and under Section 21, the Banning of Unregulated Deposits Schemes Act, 2019 and Section 3, 4, 6 of M.P.I.D. Act be given to the applicant Rita Sandeep Sonawane on her executing Bond/ Suprutnama of Rs.4,00,000/- on the following conditions:
 - a) The applicant shall not sale, transfer or make any material change in the said car and shall produce it as and when directed by this Court.
 - b) The applicant shall not use or allow the said car to be used for commission of any crime.
 - c) The applicant shall furnish the information regarding her permanent residence and contact number and shall inform any change therein to this Court.

Date: 28/02/2023

(S.R. Salunkhe)
Special Judge, (MPID)
Kolhapur.