


MHKO030017332026 	<p style="text-align: center;"><u>Cri.M.A.No.153/2026</u> <u>Order passed below Exh.No.01</u></p> <p><u>Rajiv Balu Satarkar Vs. State of maharashtra</u> <u>Through Laxmipuri Police Station</u></p>
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The present application is filed u/sec.503 of B.N.S.S. in crime No.310/2025 registered with Laxmipuri police station, for getting seized Honda Shine motorcycle bearing registration No.MH-09-EC-0972 chassis No.ME4JC651MF7266700, Engine No.JC65E70397430.

2. Perused the application and documents in support of the same. Ld.APP filed her say at Exh.5 and contended that, the muddemal is seized in serious offence and for proper investigation seized muddemal is necessary evidence therefore, prayed to reject this application. I.O. filed their say at Exh.4 and contended that, the motorcycle is seized at the time of commission of offence and if such motorcycle is returned to applicant, the possibility of utilization of motorcycle for commission of similar type of offence cannot be ruled out. Therefore, he prayed to reject this application.

3. The applicant filed xerox copies of F.I.R. (Exh.3/1), copy of R.C. book(Exh.3/2), vehicle insurance policy (Exh.3/3) and adhar-card (Exh.3/4).

4. The documents filed by applicant show that, the seized motorcycle belongs to him. Soon before the crime, he was the owner and custodian of the same. Trial is going to take its own time. Considering the nature of crime, I do not find it worth to deny the interim custody to the applicant. Again no purpose will be served by keeping the muddemal outside custody of applicant. Therefore, the applicant has proved his

ownership over the seized motorcycle and therefore he is entitled to get interim custody of the same. In view of the Judgment of Hon'ble Supreme Court in *Sundarbhai Desai v/s State of Gujrat*, it is justified to grant interim custody to the applicant in the interest of justice. Hence, following order -

<u>ORDER</u>	
1.	The application is allowed.
2.	The P.S. Laxmipuri is directed to handover interim custody of seized Honda Shine motorcycle bearing registration No.MH-09-EC-0972 chassis No.ME4JC651MF7266700, Engine No.JC65E70397430 to the applicant Rajiv Balu Satarkar till the conclusion of the trial subject to condition that he shall execute the indemnity bond of Rs.50,000/- (Rupees Fifty Thousand only).
3.	The applicant is directed that, he shall not sell, exchange or make any change in the said motorcycle till conclusion of trial and shall produce it as and when directed by this Court or I.O.
4.	I.O. is directed to prepare detailed panchnama, obtain photographs from front, back and both sides of the said motorcycle in order to have identification of it. The said panchnama shall be submitted along with charge-sheet.

Kolhapur.
Date: 10/03/2026.

(Smt. Pankaj B. Rajput)
Judicial Magistrate First Class,
Court No.11, Kolhapur.