

MHKO030088762026



Criminal Mic. Appln. No. 781/2026

Siddhesh Suresh Buwa

Vs.

State of Maharashtra though Gandhinagar
Police Station

Siddhesh Suresh Buwa

V/s

State of Maharashtra

ORDER BELOW EXH.1

Heard both sides. Perused application and say of I.O. and learned A.P.P. The applicant has sought to release seized property i.e. Mahindra & Mahindra Limited कंपनीची BOL MAXX PUP HD 1.7 L LX Four Wheeler, Registration No. MH51-C-1381, Chasis No. MAIRE2TTKS6J23120 and Engine No. TTS4J18634, colour- White, model - 2025 stating his ownership thereon. It is the contention of the applicant that further custody of the seized property with the police will cause heavy loss to him.

2. Investigating officer has given his say and contended that the above mentioned vehicle is used in the alleged offence. Hence, I.O. has objection to return the said vehicle to the applicant. The Ld. A.P.P. has filed her say and contended that the alleged muddemal is used in the offence and seized by I.O. Further, the said muddemal is important evidence and if returned to applicant he may make changes in vehicle or may sale, transfer or mortgage the said vehicle and also be used again for commission of another offence. Hence, Ld. A.P.P. prayed for rejection of application.

3. No doubt offence is serious. The alleged vehicle is seized from the applicant and now lying in the police station. The application is supported by the affidavit and relevant documents of applicant. The

applicant has filed on record the copies of F.I.R., verified copy of invoice, copy of Aadhar card and insurance policy of the alleged vehicle. Further, on perusal of documents filed by applicant it prima facie reveals that the seized vehicle is owned by applicant.

4. On perusal of the record and proceeding prima facie it appears that, applicant is the owner of seized vehicle. Further, if vehicle remain lying in the police station there are chances of damages to the vehicle. So far as the say of I.O. and A.P.P. is considered the specific conditions can be imposed on applicant. As Documents are supporting to the case of the applicant. In view of the directions of the Hon'ble Supreme Court in the matter of ***Sunderbhai Ambalal Desai V/s. State of Gujrat (A.I.R. 2003 Supreme Court 638)*** and for the aforesaid reasons, I pass the following order:-

:- ORDER :-

- 1] Application is allowed.
- 2] Muddemal property seized in C.R. No. 233/2026 of Gandhinagar Police Station, Kolhapur i.e. Mahindra & Mahindra Limited कंपनीची BOL MAXX PUP HD 1.7 L LX Four Wheeler, Registration No. MH51-C-1381, Chasis No. MAIRE2TTKS6J23120 and Engine No. TTS4J18634, colour- White, model - 2025, be given in the interim custody of the applicant on execution of indemnity bond of Rs.5,00,000/- (Rs. Five Lakhs Only) and on condition that he shall not sell out the same or change its nature and shall produce the same before the court, when ordered. Further, the applicant shall not use the said vehicle in commission of another offence.
- 2] Investigating Officer of Gandhinagar Police Station, Kolhapur is hereby directed to prepare detail panchanama of the said property, snap its photographs on all dimension and file his report to this Court.

Date : 17/07/2026
Place : Kolhapur

A. S. Pansare
Judicial Magistrate First Class,
(Court No.5), Kolhapur.