

MHKO050031212026 	Cri. M.A. No. 184/2026 Dhondiram Balkrushna Nirmale Vs. State of Maharashtra.
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ORDER BELOW EXH. 01

1. This application is filed by the applicant namely **Dhondiram Balkrushna Nirmale** under Section 497 and 503 of BNSS (Old Section 457 of the Code of Criminal Procedure.)
2. As per application the Ichalkaranji Police Station, has seized Maruti Suzuki India Ltd. WAGONOR VXi bearing No.**MH-09-AB-2609**, Chassis no. **MA3EED81S00154669**, Engine no. **F10DN3007899** in **Crime No.233/2026** registered at Ichalkaranji Police Station. Therefore, the applicant has filed present application for the interim custody of the above said vehicle. In support of the application, he has filed verified copy of certificate of registration(smart card), copy of insurance certificate, verified copy of Aadhaar Card and certified copy of FIR along with **Exh.3.**
3. Called say of Ld. A.P.P. and I.O.
4. The investigating officer and the learned APP have raised objection to hand over custody of above said vehicle on the ground that, it is an important evidence, this vehicle used in this crime, hence, prayed for rejection of application.
5. Perused application, documents filed in support of it and say thereon filed by the Investigation Officer and the Ld. A.P.P.
6. Heard Ld. Advocate for the applicant and the Ld. APP on behalf of the State.

7. On perusal of record it reveals that, the documents filed by the applicant from its appears, the applicant is owner of above said vehicle. It is submitted by the applicant that, he is ready to abide by all conditions imposed by this Court. Considering facts of the matter no purpose would be served by keeping vehicle in unattended condition at Police Station. If vehicle remains at Police Station, then there is possibility of getting it damaged. So there is no reason to reject present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai V/s State of Gujrat***, there is no use to keep seized properties at Police Station for long period and appropriate order needs to be passed immediately regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. Hence, it would not be just and proper to reject the present application. In the result, following order is passed:-

-. O R D E R :-

1. Application is hereby allowed.
2. Police Inspector, Ichalkaranji Police Station, Ichalkaranji is ordered to handover interim custody of Maruti Suzuki India Ltd. WAGONOR VXi bearing No.**MH-09-AB-2609**, Chassis no. **MA3EED81S00154669**, Engine no. **F10DN3007899** in Crime No.**233/2026** registered at Ichalkaranji Police Station be given to the applicant **Dhondiram Balkrushna Nirmale** on his executing indemnity bond of Rs.80,000/- (Rupees Eighty Thousand only) subject to following conditions:-

- a) He shall not sell, transfer or create third party interest upon the vehicle without prior permission of this Court.
- b) He shall not change the colour and nature of the vehicle.
- c) He shall produce the said vehicle as and when ordered by the Court.
- d) He shall produce colour photographs of the said vehicle.
- e) Inform Ichalkaranji Police Station, Ichalkaranji accordingly.
- f) Investigating officer is hereby ordered to submit all relevant papers of release of above said vehicle along with final report of said C. R. and she shall mention in it about the return of property to the applicant.
- g) The record and proceeding of this application be kept along with report if any filed by the concerned police station arising out of said C.R.

Place : Ichalkaranji
Date : 08/07/2026.

(Archana M. Gaikwad)
Judicial Magistrate First Class, Court No.3
Ichalkaranji, Dist. Kolhapur