


MHKO050061302025 	<u>R.C.C. No. 532/2025</u> <u>Sanket Nivas Kadam</u> <u>Vs.</u> <u>State of Maharashtra</u>
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ORDER BELOW EXH. 17

1. This application is filed by the applicant namely **Sanket Nivas Kadam** under Section 497 and 503 of B.N.S.S., 2023 (Old Section 457 of the Code of Criminal Procedure.)
2. It is the contention of applicant that, the Ichalkaranji Police Station has seized Hero Motorcycle HF Delux Two Wheeler, bearing registration No. MH-09-DJ-7718, **Chassis no. MBLHA11ALE9H23972, Engine no. HA11EJE9H08939, in Crime No. 385/2025** registered at Ichalkaranji Police Station. The crime No. 385/2025 was registered at Ichalkaranji Police Station and charge-sheet bearing R.C.C. No. 532/2025 is already submitted in the court. The seized property is lying in idle condition with the Police Station, Ichalkaranji from the date of its seizure. 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 vehicle particulars, verified copy of Aadhaar Card and Pan card along with **Exh.18**. At last, applicant prays for giving interim custody of the above said property on certain conditions.
3. Say of I.O. and learned APP were called. The I.O. has strongly objected to present application. A.P.P. has opposed the same on

the ground that, it is part of evidence and possibility of alteration or transfer of the property. If it is returned to the applicant on terms and conditions and he may produce the same as and when required before the court he prayed rejection of application.

4. On perusal of the said application and charge-sheet, it appears that, the applicant is the owner and possessor of the seized muddemal. Also, if the seized property is kept as it is with the Police Station in idle condition, there is possibility of it being damaged by dust, atmosphere etc. Moreover, except the applicant nobody has come forward to claim the custody of seized property. Also, I feel guided by the judgment in the case of **Sunderbhai Ambalal Desai vs State of Gujrat reported in AIR 2003 SC 638**, in which the Hon'ble Apex Court has directed to hand over interim custody of articles to the owner. In such circumstances, as applicant is the owner of the seized property, I find no impediment to hand over interim custody in favour of the applicant. In the result, I pass the following order.

-: O R D E R :-

1. Application is hereby allowed.
2. The custody of seized **Hero Motorcycle HF Delux** Two Wheeler, bearing registration No. MH-09-DJ-7718, **Chassis no. MBLHA11ALE9H23972**, **Engine no. HA11EJE9H08939**, in **Crime No. 385/2025**, registered at Ichalkaranji Police Station be handed over to the applicant **Sanket Nivas Kadam** on his executing an indemnity bond of Rs. 40,000/- (Rupees Forty

Thousand only). The indemnity bond shall be executed before the Assistant Superintendent Civil And Criminal Court, Ichalkaranji.

- 3) Investigating Officer is hereby directed to take photographs and prepare detailed panchnama about release of seized property.
- 4) The applicant is directed to produce aforesaid property as and whenever required by this Court.
- 5) Applicant shall not any kind of alienate or create third party interest in the said property and shall not change the nature and design of the said property till final disposal of the case.
- 6) In case, if it is proved on merits that any person other than the applicant is entitled to have the custody of seized property then, applicant shall have to return the same to such person.
- 7) Investigation officer is hereby directed that, the said vehicle be released after producing copy of vehicle insurance.
- 8) Copy of this order be filed on record along with case bearing R.C.C. No. 532/2025
- 9) Copy of this order be sent to the Police Station, Ichalkaranji for information and necessary action.

Place : Ichalkaranji
Date : 10/03/2026.

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