

MHKO070000702026



**ORDER BELOW EXH. 1 IN
CRIMINAL M.A. NO. 05/2026**

Husenbi Javed Mulla

Vs

State of Maharashtra

This is an application u/s 503 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for return of seized a HERO HONDA PRO/ DRUM CAST/ SPOLO WITH PILLION bearing registration no. MH-09-CF-5573, Chasis No.MBLHA10ADBHM14954 and Engine No. HA10EHBHM17505 seized in Crime No.322/2025 of Shirol Police Station for offence punishable u/s. 309(4) and 3(5) of the B.N.S.,2023.

2. Perused the application, an affidavit of the applicant, and the documents filed along with the application. The applicant has filed a copy of the FIR at Exh.3/1, verified copy of the Aadhaar card at Exh.3/2, a verified copy of the registration certificate of the said vehicle at Exh.3/3 and insurance copy at Exh.3/4. The I.O. and Ld. APP by filing their say resisted the present application.

3. Heard the Ld.Adv. for the applicant and Ld.APP for the state.

4. As per contention of applicant, she used said vehicle for her familiy's daily transaction. Upon perusal of say filed by the investigating officer it becomes clear that he has seized the said motorcycle in crime No.322/2025. By filing the registration certificate of the said vehicle at Exh.3/3 and insurance copy at Exh.3/4 the applicant has prima facie shown her entitlement over

the seized vehicle. No other claimant has come forward to object the ownership of the applicant over the said vehicle. If said vehicle lying in the premises of police station, its engine, tire tube and other parts will be damaged. No purpose would be served in keeping the said vehicle lying in the police station till conclusion of trial which will take its own time. The possibility of damage of said vehicle can not be ruled out if kept lying at the police station. Applicant undertakes she will abide all the condition imposed by the court. She has proved her identity by filing verified copy of Aadhar Card. No doubt the said vehicle will be required for evidence purpose during trial. However, preparing a panchanama and taking necessary photographs of the said vehicle at the time of handing over its interim possession to the applicant and by directing the applicant to produce said vehicle as and when directed will suffice the purpose. Considering the direction of Hon'ble Supreme Court of India in the matter *Sundarbhai Ambalal Desai vs. State of Gujarat, reported in AIR 2003 SC 638*, I find no legal impediment in allowing this application in the backdrop when applicant has duly proved her entitlement for the interim custody for the said vehicle. Hence, I hold that, applicant is entitled for the interim possession of said vehicle, but on following conditions. In result, I pass following order:-

: O R D E R :

- 1] The application is allowed on following terms and conditions -
 - A] The Police Inspector, Shirol Police Station, is hereby

directed to hand over the interim custody of the seized vehicle, i.e., a HERO HONDA PRO/ DRUM CAST/ SPOLO WITH PILLION bearing registration no. MH-09-CF-5573, Chasis No.MBLHA10ADBHM14954 and Engine No. HA10EHBHM17505, to the applicant after due verification and identification, and upon due verification of its valid insurance, subject to the applicant furnishing an indemnity bond of Rs. 60,000/- (Rupees Sixty Thousand only) before the concerned Police Officer.

- B] The applicant shall produce the said vehicle as and when directed by this Court. The applicant shall not create any third-party interest in the said seized vehicle in any manner. The applicant shall maintain the vehicle in proper condition in all respects
- C] Concerned Police officer shall prepare the detail panchnama and take photos from different angles as to the condition and identification of said vehicle on the cost of applicant before handing over it to the applicant. Such photograph should be attested and counter signed by applicant, I.O. and the accused.
- D] I.O. to obtain the I.D. proof of the applicant with photo and file compliance report in crime no. 202/2025.
- E] Issue yadi accordingly to concerned police station for compliance.

- F) As the application is e-filed, this order shall be digitally signed and uploaded on the e-Courts portal through CIS.
(Dictated and pronounced in open Court).

Date: 10/03/2026.

[M. S. Patil]
Judicial Magistrate First Class
(Court No.2) Jaysingpur

