


<p>MHKO080000972024</p> 	<p style="text-align: center;"><b><u>ORDER BELOW EXH.8 IN</u></b> <b><u>SESSIONS CASE NO.3/2024.</u></b> <i>(The State of Maharashtra Vs. Dattu Dhondiba Gavade)</i></p>
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1. Present application is filed under Section 451 of the Code of Criminal Procedure to release the Hero Honda Splendor plus motorcycle bearing registration No. MH-09-BH-9668 having Chassis No.MBLHA10EE9HC08096 and Engine No. HA10EA9HC07778 on Indemnity Bond.
2. The Learned advocate for the applicant submitted that motorcycle was seized by the police in C.R.No.382/2023 by Police Station Chandgad, Dist. Kolhapur. Now, the investigation is over, hence, police did not require said motorcycle. If it remained in the police station, it would diminish its value. Applicant required the said motorcycle for his day to day activities. Hence, it be returned on condition and execution of suratnama.
3. Learned APP submitted that if the motorcycle is released on indemnity bond, the applicant may use said motorcycle for the purpose of committing another crime. He may also dispose off said motorcycle. Hence, the application may be dismissed.
4. On perusal of record, it finds that, the motorcycle bearing No. MH-09-BH-9668 is owned by this applicant. Therefore, he is entitled to get it. If the motorcycle remained in police station, it would diminish its value. There is no allegations that this motorcycle used while committing the crime as a weapon. The insurance is not present on the said motorcycle.

Therefore, application is entitled to be allowed on certain conditions. Hence, following order is passed.

**ORDER**

1. The application is allowed.
2. Interim custody of Hero Honda Splendor plus motorcycle bearing registration No. MH-09-BH-9668 having Chassis No.MBLHA10EE9HC08096 and Engine No. HA10EA9HC07778, which was seized in C.R.No.382/2023, be given to the applicant Dattu Dhondiba Gavade on executing Indemnity bond of Rs.50,000/- (Rupees Fifty Thousand only) on following conditions:
  - I] The applicant shall not create third party interest or sale, mortgage or change the nature of vehicle till the disposal of criminal case arising out of Crime No.382/2023 at P.S. Chandgad.
  - II] The applicant shall produce the vehicle as and when directed by the Investigating Officer and Court during the trial.
  - III] The applicant shall not destroy the vehicle.
  - IV] The applicant shall produce the photograph and copy of third party insurance of the vehicle within a period of 15 days from today in this application before this Court and before I.O.
3. Indemnity bond before this Court.

Date: **22.03.2024.**

(O.R. Deshmukh)  
Additional Sessions Judge,  
**Gadhinglaj.**