

MHKO110004192026



Cri. Misc. Appln. No. 40/2026.
(CNR No.MHKO110004192026)

Order Below Exh.01

(Laxmi Babasaheb Kadam Vs State of Maharashtra)

This is an application made under Section 503 of the Bharatiya Nagarik Suraksha Sanhita - 2023, by the applicant – Laxmi Babasaheb Kadam, for releasing Splendor Plus Drum Motorcycle bearing registration No. MH-09-CN-6476 on supurtnama.

02. Investigating Officer filed say vide **Exh.04** of Crime No.664/2025 of Peth-Vadgaon Police Station and requested to reject the application. Learned A.P.P. appearing for the State filed his say vide **Exh.05** and also requested to reject the application. Perused the application and say. Heard both sides.

03. As per the applicant, Splendor Plus Drum Motorcycle bearing registration No. MH-09-CN-6476 was seized by the Investigating Officer in Crime No.664/2025. Said vehicle is purchased for her personal use and she filed on record the relevant documents of her ownership along-with insurance. She used said vehicle for personal use and therefore, she prayed for releasing it on supurtnama.

04. In order to substantiate the application, applicant has filed on record the verified copy of registration certificate of the seized vehicle, copy of F.I.R., copy of the insurance of the seized vehicle and verified copy of her Aadhar Card vide list at **Exh.03**. On perusal of these documents, it has transpired that, the applicant has owned the seized vehicle i.e. Splendor Plus Drum Motorcycle bearing registration No. MH-09-CN-6476.

05. As per the Judgment of *Sundarbhai Desai-Versus-State of Gujarat*, the Hon'ble Apex Court observed that, Police Station is not a proper place to keep the vehicle and Magistrate is empowered to release the vehicles on suitable conditions. Keeping in mind the observation of the Hon'ble Apex Court in *Sundarbhai Desai*, it is just and proper to release the seized vehicle on certain bond, after imposing conditions.

06. It is pertinent to note here that, when the vehicles seized by the police are no longer required for investigation and they have also not been confiscated as yet under any provision of law, they continue to belong to the respective applicants, who are their registered owners. Vehicles are costly and equipment employed by the respective owners for earning their livelihood. It is difficult to say how much time the trial will take to conclude. If during such trial, the vehicles are allowed to remain with police, they are bound to deteriorate with passage of time.

07. It is also pertinent to note here that, till today no other person than applicant made application to claim the muddemal in question. So considering this fact and nature of the muddemal in question, I am of the opinion that, applicant is entitled for the interim custody of the muddemal in question. In the result, I pass the following order :-

ORDER.

1. The present application is allowed.
2. Investigating Officer in Crime No.664/2025, of Pethvadgaon Police Station is hereby directed to release Splendor Plus Drum Motorcycle bearing registration No. MH-09-CN-6476 on supurtnama of the applicant – Laxmi Babasaheb Kadam by executing indemnity bond of Rs.80,000/- (Rs. Eighty Thousand) on following conditions :
 - i] Applicant to produce the said vehicle as and when directed by the

Court;

- ii] Applicant will not sell or mortgage or any way transfer the said vehicle to anybody or create third party interest in the said vehicle;
 - iii] Applicant will not make the structural change and colour of the said vehicle;
 - iv] Investigating Officer is directed to take photographs of said vehicle at the cost of applicant and prepare panchnama accordingly. Investigating Officer is also directed to file the same along-with the charge-sheet.
3. Supurtnama to be executed at concerned police station.
 4. Application is disposed off accordingly.

Date : 02/04/2026.

(**Shrinivas A. Kulkarni**)
Judicial Magistrate First Class,
Peth-Vadgaon.