



CRI.M.A. No. 20/2026

Shakil Najir Darveshi Vs. State

CNR - MHKO130001962026

ORDER PASSED BELOW EXH.01
(Dt. 10/03/2026)

1. Present application is filed by applicant Shakil Najir Darveshi under section 503 of the Bhartiya Nagarik Suraksha Sanhita for releasing Mahindra Max Truck bearing registration no. MH-09-CU-1435 (Engine No. TADIK99776 and Chassis No. MAIZP2TAKDIK78177). (Herein-after the same will be referred as “truck”) seized in Crime No. 31/2026 registered at Kagal Police Station for offence punishable U/S. 5(a), 5(b) of Maharashtra Animal Preservation Act, 1976, sec. 11(1) of Prevention of Cruelty to the Animals Act, 1960, sec. 125, 66, 192 of Motor Vehicle Act and sec. 3(5) of BNS.

2. The Investigating Officer has submitted his say at Exh. 5 stating his no objection to release the truck upon imposing appropriate terms and conditions on it. The learned A.P.P. has submitted her say at Exh. 6 and objected to release the truck to the applicant on the ground that, there is possibility of commission of similar type of offence in future. Also, there is possibility of its disposal. Further, seized truck was used by accused in serious type of offence. So also, investigation is in progress. Hence, urged to reject the application.

3. The applicant has filed on record verified copy of the registration certificate of the truck at list Exh. 4 which demonstrate that, the truck is standing in the name of the applicant.

4. Perused the application and documents filed along with it. It clarifies from the certificate of registration of the truck that the applicant has better title of it. As per the guidelines laid down by Hon'ble Apex Court in **Sunder Ambalal Desai Vs. State of Gujarat, reported in (2002) 10 SCC 283**, the Apex Court observed that Police Station is not a proper place to keep the vehicle and magistrate is empowered to release the vehicle on suitable conditions. Keeping in mind the observations of the Hon'ble Apex Court in Sunder Bhai Desai, it is just and proper to release the seized vehicle on certain bond after imposing conditions. Therefore, release of the vehicle on certain terms and conditions will serve the purpose.

5. In this regard applicant has filed on record verified copy of R.C. Book. From the record it reflects that, truck stands in the name of applicant. Hence, in opinion of this court, it will be just and proper to hand over the interim custody of seized property truck to the applicant. According to the applicant value of truck is of Rs 2,50,000/-. Hence, applicant is required to furnish Indemnity Bond of Rs. 2,50,000/-. In the result, following order is passed-

-: O R D E R :-

1. The application Exh. 1 is allowed.
2. The interim custody of Mahindra Max Truk bearing registration no. MH-09-CU-1435 (Engine No. TAD1K99776 and Chassis No. MA1ZP2TAKD1K78177) seized in Crime No. 31/2026 be hand over to the applicant on execution of indemnity bond of Rs. 2,50,000/- (Two Lakhs Fifty Thousands Only).
3. The investigating officer to take photographs of the tempo from all side for its identity at the expenses of

applicant.

4. The applicant shall not sale or mortgage or transfer said vehicle or create any third party interest.
5. Suprutnama to be executed at concerned Police Station.
6. After release of tempo the investigating officer shall inform such release to this Court.
7. This order be digitally signed and it shall be uploaded on the e-courts portal through Case Information System(CIS).
8. Keeping in mind the spirit of e-filing, print out of this order is not taken. Hence physical hard copy of this order with my signature is not kept on record.
9. Digitally signed order is available online on CIS and e-courts portal. Hence, if certified hard copy of this order is asked it shall be provided by taking print out of the digitally signed order available on CIS or e-courts portal.
10. Since there is no provision in Civil Manual in regard to digitally signed order, concerned establishment is at liberty to retain print out of this digitally signed order on record, if so required.

Note:- Clause 3 of the operative order was incorrectly typed on 10/03/2026. Today it is being deleted being typographical mistake and re-uploaded.

The deleted Clause 3 read as under:- The investigating officer is directed to release the vehicle after the payment of cost to the intervener.

Kagal.
Date:- 10/03/2026.

(A.B.Madke)
Judicial Magistrate F.C.,
(Court No. 1), Kagal.