


MHKO130002462026 	<u>Lata Pradip Kumar th. Power of attorney Pradip Kumar Vs. State of Maharashtra Th. Murgud Police Station, Kolhapur.</u>
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ORDER PASSED BELOW EXH.1 IN Cri.M.A.NO. 30/2026.

1] The present application is filed u/s. 497 of the Bhartiya Nagarik Suraksha Sanhita, 2023 by applicant– Lata Pradip Kumar th. Power of attorney Pradip Kumar for return of property i.e Maruti Suzuki Swift dzire ZX ICNG vehicle bearing registration No. KA-01-AR-4425, Chasis No. MA3ZFDFSKSC145082, Engine No. Z12ENF045373. The said vehicle is seized by Murgud Police Station in CR No. 30/2026 for the offence punishable under Section 303(2), 324(4) of the Bharatiya Nyaya Sanhita, 2023.

2] It is contended that applicant is registered owner of the aforesaid vehicle. The application is supported by necessary documents.

3] Accordingly say of learned A.P.P. & Investigating Officer was called. Learned A.P.P. & Investigating Officer have filed their say and submitted their objection to hand over the custody of the seized property to applicant.

4] Applicant had filed following documents:-

i] Vefified copy FIR of CR No. 30/2026,

- ii) Verified copy of Remand report.
- iii] Verified copy of Registration Certificate of the seized vehicle,
- iv] Verified copy of Insurance certificate of the seized vehicle,
- v] Verified copy of applicant's Adhar Card.
- vi] Verified copy of the applicant's Power of attorney.
- vii] Notary affidavit of the applicant,
- viii] Medical certificate & document of the applicant.

5] Heard both the sides. Perused the record and documents. From the documents, it appears that the applicant is the registered owner of the seized property i.e. Maruti Suzuki Swift dzire ZX ICNG vehicle bearing registration No. KA-01-AR-4425, which is seized by Murgud Police Station. The said seized vehicle is not claimed by anybody except the applicant. No purpose would be served in keeping the seized vehicle lying in the police station. The possibility of the damage of the property can not be ruled out if kept lying idle in the police station. Medical certificate of applicant and affidavit of applicant reveals that she had undergone medical operation and unable to travel long distance.

6] As the applicant has prima-facie shown her ownership of the seized property, she is entitled for possession of the same. As far as the apprehension raised by the prosecution, it is just and proper to impose conditions while temporarily releasing the vehicle. Therefore, applicant being lawful owner, possessor/claimant of the vehicle in question, the said may be released temporarily in his favour till the conclusion of trial, by imposing certain conditions. In view of the directions of the

Hon'ble Supreme Court in the matter of *Sunderbhai Ambalal Desai V/s. State of Gujrat (A.I.R. 2003 Supreme Court 638)* and the aforesaid reasons, in the interest of justice, I proceed to pass the following order:-

ORDER

- 1] The application is allowed.
- 2] The seized property i.e Maruti Suzuki Swift dzire ZX ICNG vehicle bearing registration No. KA-01-AR-4425, Chasis No. MA3ZFDFSKSC145082, Engine No. Z12ENF045373, which was seized by Murgud Police Station in C.R. No. 30/2026 be released temporarily till the conclusion of the trial in favour of applicant on furnishing indemnity bond of Rs. 10,00,000/- (Rupees Ten Lack only).
- 3] The P.S.O. Murgud Police Station, is directed to hand over said vehicle to the applicant only which is seized in the C.R. No. 30/2026.
- 4] The applicant shall produce the said muddemal, as and when directed by the court and she shall undertake that :-
 - i) She shall not change the nature of the said property;
 - ii) She shall not alienate/sell the said property;
 - iii) She shall maintain and preserve the property in all respects.
 - iv) She shall not change the color of or modified the vehicle.
- 5] Investigating Officer to prepare the detail panchnama while handing over the said muddemal to the applicant and file

panchnama in the charge-sheet.

- 6] Investigating Officer is directed to take photograph of the said vehicle and submit it along with charge-sheet. Photographs of aforesaid vehicle are attested/countersigned by the applicant to whom the custody is handed over.
- 7] Investigating officer is directed to enter the details of the vehicle in a data base to be maintained by the Murgud Police Station, Murgud to ascertain if the said vehicle is used for similar offences in future.
- 8] In the event of the vehicle being used for any other offence, this order shall stand automatically rescinded.
- 9] Copy be forwarded to Murgud Police Station, Murgud for information and necessary action.
- 10] The application is disposed of accordingly.

Place : Kagal.
Date : 20/04/2026

(Pranita S. Patil)
Judicial Magistrate First Class, Kagal.