


MHKO160007192025 	<u>ORDER BELOW EXH. 1 IN</u> <u>CRI.M.A.NO.70/2025</u>
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1. The applicant has filed this application under Section 457 of The Code of Criminal Procedure to hand over the seized gas cylinders.
2. It is the case of the applicant that she is a member of Mahila Bachat Gat and provide gas cylinders to members of Bachat Gat. Applicant further submitted that police have seized eight gas cylinders from Vijay Pandurang Bhosale and one gas cylinder in Umesh Kulkarni in C.R.No.331/2024, Shahuwadi Plice Station bearing case registered as S.C.C.240/2025 for the offence registered under Essential Commodities Act, 1955.
3. Applicant further submitted that these nine gas cylinders are belongs to their Swamini Mahila Bachat Gat, and, member of said Bachat Gat are the owners of these gas cylinders. The owners of these gas cylinders are residing in various villages, and, these gas cylinders are collected together in her house and the said thing is noted in MOU of Swamini Mahila Bachat Gat. So also, she is member of SHG having group code 15256325633 and has given approval for distribution of cylinders.
4. It is further case of the applicant that the gas cylinders are at kept in seized condition without any use. Applicant prayed to hand over the gas cylinders to their Swamini Mahila Bachat Gat through her. The applicant is ready to abide conditions which will be imposed while handing over the gas cylinders to her. Finally, she prayed to hand over

the seized gas cylinders to her.

5. The I.O. given his say to the application & submitted that the seized gas cylinders be hand over to the applicant on certain terms and conditions. The learned A.P.P. given her say to the application & submitted that this seized property is required for the purpose of trial, it can be exchanged, altered. It is required for the purpose of trial. Lastly learned A.P.P. prayed for rejection of this application.

6. Opponent No. 3 filed their say at Exh.10 and submitted that the contents in the application are not correct. He further submitted that he has his Ninai H.P gas distribution company at Sarud. And, applicant distributes the cylinders to the customers from his Swamini Group (Self Help Group) according to the terms and conditions in M.O.U.

7. Heard Ld. Advocate for the applicant and Ld. APP & I.O. Perused report in C.R.No.331/2024, copy showing applicant being gas supplier of Rural area, copy of distribution of gas cylinder of their Bachat Gat with E-mail, Memorandum of L.P.G. Gas of their Mahila Bachat Gat. Admittedly, the gas cylinders are seized in S.C.C.240/2025 in C.R.No.331/2024 Shahuwadi Police Station by police. The I.O. has given his no objection to hand over the gas cylinders to application. However, learned A.P.P. submitted that gas cylinders will require during trial for identification purpose. However, the said objection will not be good ground to reject the application as said muddemal can be called from the applicant if required any time. The essential requirement during the pendency of the case is safe custody of the gas cylinders and it's production before the court as and when required by the court to do so. Opponent No. 3 submitted that M.O.U. was executed between him

and applicant. Accordingly, gas cylinders were given to applicant for distribution. He has given no objection to hand over cylinders to applicant. The applicant is ready to abide by the conditions which will be imposed by the court while releasing the gas cylinders in her favour. Considering all above aspects it will be proper to pass following order.

ORDER

1. The application is allowed.
2. The nine gas cylinders be handed over to the applicant on furnishing indemnity bond of Rs.20,000/- (Rs. Twenty Thousand Only) before Police.
3. The applicant shall produce the gas cylinders before the court or investigating officer as and when required by the court to do so during trial or at any time thereafter.
4. Police Station – Shahuwadi is directed to prepare detail proper panchanama of the said gas cylinders and take 3 colored photographs of the same from different angles clearly displaying all particulars of it and shall submit the panchanama in this court. Expenses of the photographs shall be born by the applicant.
5. The applicant shall co-operate police in the investigation of the crime and shall produce all relevant documents of the gas cylinders before I.O. for verification and investigation purposes.

Date : 20/04/2026
Place: Shahuwadi

(P. B. Pawar)
Judicial Magistrate First Class,
Malkapur-Shahuwadi