



SESSIONS CASE No.149/2023
State V/s. Pooja & other.

Order below Exh.14

This is an application u/s. 451 of Criminal Procedure Code (Cr.P.C.), for interim custody of Tata Indigo C.S.L.X.T.D.I. car bearing registration MH-15-CM-6189, Chassis No.MAT607161AWC12638 & Engine No.475IDT14CZ YP22109 (for short "the vehicle") seized by Gategaon Police Station in Cr.No. 108/2023 u/ss.302,120B, 341, 504 read with 34 of the Indian Penal Code(IPC).

2. Learned Advocate Mr.Admane submits that, applicant is registered owner of the seized vehicle and he required it for his business needs. The vehicle is lying idle in the police station which may get deteriorated. He is ready to abide by any of the terms and conditions to be imposed by this Court, if custody of the vehicle is handed over to him. He has filed R.C.Book of the vehicle showing his ownership.

3. Learned A.P.P. Mr.S.V.Deshpande by filing pursis (Exh.22) adopted say filed by police say dated 23.11.2023 (Exh.21) and submitted that police have no objection to release the said vehicle to its original owner on certain terms and conditions.

4. Perused record. The applicant has placed on record, F.I.R., copy of his Adhar card and xerox copy of R.C. book showing his ownership of the vehicle. The learned counsel for the applicant submits that, the investigation in respect of vehicle is complete and charge sheet has been

filed. Present applicant has not been arrayed as accused. In the facts and circumstances, no purpose will be served by keeping the vehicle in the custody of police and there is every likelihood of diminishing its value.

5. It is well settled that, every motor vehicle should be in use. If, it remained unused for long time, it could be defunct or damaged and require more repairing charges. The applicant, is the registered owner and bona-fide purchaser the said vehicle. The apprehension of prosecution can be taken care of by imposing certain conditions. Prosecution has not disputed the ownership of the alleged seized vehicle by the applicant and submitted to return the same to its owner on certain terms and conditions. Consequently, in view of above grounds, he is entitled to interim custody of said seized vehicle on certain conditions. Hence, the order.

ORDER

1. This application stands allowed.
2. Interim custody of Tata Indigo C.S.L.X.T.D.I.car bearing registration MH-15-CM-6189,Chassis No.MAT607161AWC12638 & Engine No.475IDT14 CZYP22109 seized by Gategaon Police Station Dist. Latur in Cr.No. 108/2023 u/ss.302,120B, 341, 504 read with 34 of the Indian Penal Code(IPC)be handed over to the applicant Rameshwar Nagorao Satpute on execution of indemnity bond of Rs.5,00,000/-(Rs. Five Lacs only) on the following conditions :-
 - (a) The applicant shall not use the same, in any offence.
 - (b) The applicant shall produce the vehicle as and when directed by the Court.
 - (c) The applicant shall not alienate or change the nature of the vehicle sans permission of this Court.

- (d) The applicant shall produce copies of R.C. Book and all the relevant original documents of vehicle, after obtaining custody of seized vehicle.
3. P.I. of Gategaon police station is directed to take necessary photographs of the car bearing MH-15-CM-6189 and prepare its detailed panchanama before releasing the said vehicle to the applicant.

Date: 19.12.2023.

(S.T. Tripathi)
Additional Sessions Judge,
Latur.