

MHLA130004302026 	<u>Cri.M.A.No. 35/2026</u> Jaidrath Vs. State
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Order below Exh.1

1] This is an application filed by applicant as per section 503 of BNSS to return seized property i.e. Passion Pro. motorcycle Honda Company it bearing No.MH-24/AH-2473, its Chasis No.MBLHA 10A6EHA59936 and its Engine No.HA10ENEHA81423 in Renapur Police Station in Cr. No.183/2026 for the offence punishable under section 12-A of Bombay Gambling Act registered with Renapur Police Station.

2. According to applicant, he is registered owner of the above said vehicle and he needs the said vehicle. If said vehicle is not delivered to the applicant it will cause damage to vehicle and will cause loss to the applicant. The applicant is ready to abide by the conditions imposed by the Court, while returning the property.

3. I.O. has filed his say and stated no objection to return the seized vehicle after due verification of documents about its ownership.

4. Learned APP filed his say and objected the application on the ground that if said muddemal is given to applicant then he will reuse it in the crime or will sell or change its nature. Hence, he prayed to reject the application.

5. Heard the learned advocate for applicant and APP for the State. The application is also supported with an affidavit. The applicant has produced copy of FIR, verified copy of RC book and Adhar card of himself. Thus, after perusing these documents, *prima-facie* it appears that applicant is registered owner of said seized vehicle. As per directions given by the Hon'ble Supreme Court of India in the case of ***Sudharabhai Ambalal Desai Vs. State of Gujrat reported in 2002 AIR SCW 5301***, it is held by Hon'ble Apex Court that, “in our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately be taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.” Considering the guidelines above, no purpose would be served by keeping the seized vehicle in the police station. The possibility of damage to said vehicle cannot be ruled out if it kept in the police station. Nobody has claimed the custody of said seized vehicle except the applicant.

6. As the applicant has shown his ownership over said vehicle, he is entitled for the interim custody of the same. Thus, the application deserves to be allowed on certain terms and conditions. In the result, I pass following order :-

ORDER

- 1] The application is allowed.
- 2] The seized Modal - Passion Pro. motorcycle Honda Company it bearing No.MH-24/AH-2473, its Chasis No.MBLHA 10A6EHA59936

and its Engine No.HA10ENEHA81423 in Renapur Police Station in Cr. No.183/2026 be handed over to the applicant namely **Jaidrath Kerba Karad, R/o Vangdari** Tq. Renapur, Dist.Latur on executing indemnity bond of Rs.50,000/-(Rs. Fifty Thousand only) on following conditions.

- a] The applicant shall not create third party interest in it and shall not change the nature and appearance of the same, in any manner till disposal of the criminal case arising out of Cr.No.183/2026.
 - b] The applicant or any other person on his behalf shall not use the seized vehicle in commission of any offence.
 - c] The applicant shall produce the seized vehicle before the court and shall make it available to the Investigating Officer, as and when required.
- 3] The indemnity bond be executed before concerned Investigating officer.
 - 4] The concerned police station officer is directed to hand over the seized vehicle to applicant **Jaidrath Kerba Karad, R/o Vangdari** after his executing indemnity bond.
 - 5] I.O. is directed to prepare detail panchanama and shall take photographs of the seized vehicle, from the four corners before handing over custody. The said documents shall be filed with chargesheet.
 - 6] The expenses for taking photographs shall be borne by an applicant.
 - 7] The concerned Investigating Officer is directed to attach the indemnity bond along with the chargesheet.
 - 8] The application stands disposed off, accordingly.

Date : 01/06/2026.

Place : Renapur.

(P.A.Apte)
Judicial Magistrate First Class,
Renapur.