


MHLA140007172026 	Cri. M.A. No. 48/2026 Munaf Usmansab Kureshi Vs Govt of Maharashtra
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ORDER BELOW EXH. 01.

This is an application filed by the applicant for return of seized Mahindra Bolero Pick-up bearing registration No. MH-24-AU-1732, chassis No. MA1ZN2TBKJ2C68362 and engine No. TBJ4C82548, by State through Bhada Police Station in C.R. No. 30/2026 for the offence punishable U/Sec. 11(1)(a),11(1)(d) of The Prevention of Cruelty to Animals Act, 1960, U/Sec. 66 and 125 of M.V. Act.

Application in brief is that :-

2) State through Bhada Police Station seized the above said Mahindra Bolero Pick-up described in the application in Cr. No. 30/2026 on which the offence was registered U/Sec. 11(1)(a), 11(1)(d) of The Prevention of Cruelty to Animals Act, 1960. According to the applicant, he is the owner of the said Mahindra Bolero Pick-up. Now, he is in need of the same for day to day use. Hence, he has prayed to return the said Mahindra Bolero Pick-up and is ready to abide any terms and conditions imposed by the Court.

3) On receiving the application, the say of the learned A.PP, I.O. and Gaushala was called. During hearing of instant application, the Sant Bapuji Patil Guashala, Rigni Tq. Ausa Dist. Latur, has taken objection by filing his say (Exh.08) and prayed to reject the application. Similarly, learned A.PP, I.O. and Gaushala also have

objected the application on the ground that, if the custody of the Mahindra Bolero Pick-up is handed-over to the applicant, then, therefore possibility of its damage by natural calamities cannot be ruled out. He submitted that, he is ready to abide all the conditions if any imposed by the Court. On these grounds, the applicant sought for return of the seized pick-up.

4) Heard the learned advocate appearing for the applicant, Gaushala and learned A.P.P. appearing for the State. I have gone through the application, affidavit of applicant, copy of F.I.R., copy of R.C.Book, copy of insurance paper, copy of aadhar card of applicant. Moreover, applicant is ready to pay animal welfare maintenance amount.

5) It appears that the applicant is ready to pay maintenance charges of animals as per the circular issued by 'Animal Welfare Board of India', dated 02.07.2019 to the tune with two hundred rupees per day per cattle. The application has shown willingness and paid cost of maintenance as per impugned circular. Accordingly the advocate for Gaushala has submitted that if interim maintenance amount of animal is paid by applicant, then he has no objection to release the vehicle which is used in transporting the cattle. Heard the advocate Shri. D. M. Autade for Gaushala and perused the all documents on record. Present application filed by applicant for interim custody of Mahindra Bolero Pick-up. Investigation is in progress till today. Charge-sheet also is not filed.

6) From the documents submitted by applicant it appears

that applicant is owner of the said pick-up. Therefore, certainly being owner of pick-up, he is entitled to get the possession of the pick-up. Moreover, applicant has claimed for interim custody of the pick-up. The point of final custody of pick-up would be decided during the conclusion of trial. In such circumstances, applicant is entitled for the custody of pick-up. If vehicle remains idle at Police Station, then there is possibility of getting it damaged. No purpose will be served by keeping said pick-up at Police Station. So, there is no reason to refuse this application and more particularly in view of the dictum of Their Lordships of the Apex Court in the case of ***Sunderbhai Vs State of Gujrath*** reported in ***(2003) 24 BCR (SC) 444*** wherein it has been observed that, there is no used to keep seized property at police station for long period and appropriate orders should be immediately made regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. Hence, I pass the following order :-

ORDER

- 1) The interim custody of Mahindra Bolero Pick-up bearing registration No. MH-24-AU-1732, chassis No. MA1ZN2TBKJ2C68362 and engine No. TBJ4C82548, in Crime No.30/2026, be given to the applicant on executing indemnity bond of Rs.5,00,000/- (Rupees Five Lac Only) on bond paper of Rs.200/- (Rupees Two Hundred Only).
- 2) Applicant has to pay amount of maintenance Rs.200/- (Rupees Two Hundred Only) per day per cattle bullock to Gaushala.
- 3) The Investigating Officer is further hereby directed to make detail panchanama and snap photographs of the above said Mahindra Bolero Pick-up and then hand-over it's custody to

the applicant.

- 4) The applicant shall not sale the above said Mahindra Bolero Pick-up till conclusion trial as being piece of evidence.
- 5) The applicant is also directed not to dispose of, sell, transfer the above-said the above-said Mahindra Bolero Pick-up in any manner till conclusion of the trial.
- 6) The applicant is also directed to produce the above said the above said Mahindra Bolero Pick-up as and when required by the I.O. during the investigation and trial.
- 7) The applicant is directed to file declaration cum affidavit that he will not sale the Mahindra Bolero Pick-up for illegal purpose.
- 8) Copy of this order be kept with police papers in the Court.
- 9) Issue intimation to the Investigating Officer.

Date :- 30/03/2026.

Place:- Ausa

(Smt. S. D. Sabale)

2nd Judicial Magistrate First Class, Ausa.