

MHLA150003672026



Order Below Exh. 1

This is an application under Sec 503 of the Bhartiya Nagrik Surksha Sanhita, 2023 (in short BNSS) for release of Muddemal property pending the trial in offence C.R. No. 165/2026 Chakur Police Station for offence punishable under Sec123, 223, 274, 275 of Bhartiya Nyay Sanhita by owner of the aforesaid muddemal property.

2. The applicant stated that, he is registered owner of property of two-wheeler bearing register no. MH-24-CB-6934. The said property was seized under C.R. No. 165/2026 Chakur Police Station from the accused. He further submitted that, he requires the said property required for his day to day use and no purpose will be served by keeping the said property at Police Station. Therefore, he prayed for return of Muddemal property.

3. The I.O. has filed his say and stated that, subject to terms and conditions muddemal property may be released. Learned A.P.P. have find his say and stated that, the seized property is required for trial and investigation is at primary stage. Hence application may be rejected.

4. Perused the application, say filed by I.O. and A.P.P. and documents produced along with the application. Heard learned advocate for applicant and learned A.P.P.

5. On perusal of documents filed on record it appears that, the

applicant has filed verified copy of his adhar card and registration card of the said property. The applicant has also filed license of the applicant. This document prima facie shows that applicant is registered owner of the said property. On perusal of FIR and say of IO, the details of the said property are as per the details mentioned on registration card. Therefore, it *prima facie* appears that, the applicant/accused is rightful owner of the said property. The fact that, this property is seized in C.R. No. 165/2026 Chakur Police Station.

6. Being registered owner of the said property, the applicant is entitled to possession of it pending the trial. As per decision of Hon'ble Supreme Court in the case of **Sundarbhai Babalal Desai Vs State of Gujarat [AIR 2003 Supreme Court 638]**, seized properties are to be released immediately within 15 days, so that they are not subjected to deterioration causing the loss.

7. The applicant is accused in this crime. There is no reason to disbelieve that applicant being the owner of said property and requires it for day to day use. No purpose would be served in keeping the seized muddemal laying idle in Police Station. To make sure that property is not used again in commission of the crime can be safeguarded by imposing necessary conditions on the applicant.

8. Under these circumstances and considering the say I do not find any hurdle to hand over the interim custody of seized property to the applicant on certain conditions, till the disposal of case or until further order. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. Property described as follows,Hero Passion pro Motor cycle bearing Registration No.MH-24-CB-6934 , Chassis No. MB8EA115GS8186247 and Engine No. AF215488391, shall be released to applicant pending trial on furnishing indemnity bond of Rs.60,000/- (Sixty thousand only) on certain conditions.
3. The applicant shall not change the nature, colour or owner of property supra and shall not dispose it off till conclusion of trial.
4. The applicant shall produce the property supra before the investigating officer or the Court, as and when directed by the Court and shall ensure that it is not used in commission of any other crime.
5. **The applicant shall produce the copies of the papers of ownership of the motorcycle, driving license, original PUC and original Insurance Policy of this vehicle before the investigating officer.**
6. Investigating Officer shall prepare a **detail panchanama** of the property before handing over its custody to the applicant and shall also obtain the photographs of it from every angle. **Investigating Officer shall submit the panchnama, all photographs and negatives and of photographs along with necessary certificate with the Charge-sheet. Expenses of all these process shall be borne by the applicant.**
7. Copy of this order be send to the investigating officer to comply the same promptly.

(Dictated and Pronounced in open court)

Chakur
Date : 09/06/2026

(Divya Sarang Karbhajan)
Jt. Judicial Magistrate
First Class, Chakur

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file judgment/order are same,
word to word, as per the original judgment/order;

Name of the Stenographer : Self

Court Name : Jt. C.J.J.D. and J.M.F.C., Chakur

Date of judgment/order : 09/06/2026

Date of Judgment/Order signed by

the Presiding Officer on : 09/06/2026

Judgment/Order uploaded on : 09/06/2026