


MHLA160008402025 	<u>Cri. M.A. No.52/2025</u> <u>Madhav Vs. State</u>
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-:: ORDER BELOW EXH.1 ::-

This is an application for returning seized Auto Bajaj RE-CNG bearing registration No. MH-24-AT-7983, in crime No.250/2025.

2. The applicant contending that, he owned that vehicle. It was stolen by unknown persons and seized in crime No.250/2025 for offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita. The said vehicle is hypothecated with the Bajaj Finance Company. It is very necessary for his livelihood and payment of loan. He is law abiding person and ready to abide conditions, which court deemed fit. He prayed to grant interim custody of that vehicle.

3. I.O. filed say (Exh.5) say and admitted seizure of vehicle. He and learned APP have given no objection to release the vehicle with certain conditions.

4. Ld. advocate Shri. Sasatte for applicant is absent on repeated call. Considering the nature of application and durations of litigation, it is taken to decide on merit. Ld. APP Hashmi argued in support of say at length.

5. I have carefully perused the available record and argument. The seizure of aforesaid vehicle in alleged offence is admitted position. Santosh Hiralal Sandave had lodged the report of theft of that vehicle from his possession. Therefore, I issued notice to him by RPAD. As per tracking report and delivery certificate filed below list (Exh.19), that notice is duly served. But the informant failed to appear and file his say. There is no document to establish source of his legal possession. The Ld. APP and I.O. have not objected its ownership. The document i.e., copies of R.C. filed below list (Exh.3) have supported to the applicant's ownership. Accordingly, legal custody and authority to possess the vehicle are duly established in favour of the applicant.

6. As per the applicant's contention, the said vehicle is hypothecated with Bajaj Finance. The said company was appeared on 16/04/2026 and 23/04/2026 through learned Advocate Shri. M.B. Biradar. But thereafter that company failed to file objection and make argument. It is inferred that, the company has no prima facie case or objection to this application.

7. The merits of case should not be considered while granting interim custody of vehicle. It not required for further investigation. The Police Officer have not confiscated the vehicle. There are no good grounds to keep

that vehicle in the police custody. The conditions will be suffice to secure availability of said vehicle in the trial. No reason to keep that vehicle in custody of investigation officer.

8. In the judgment in Sunderbhai A Desai V/s. State of Gujarat, reported in 2002 (1) SCC 283, the Hon'ble Apex Court has issued broad guidelines in respect of return of seized muddemal vehicle, as the owner of the article would not suffer loss and the Court or the police would not be required to keep the article in safe custody;

9. In the light of above observations, it is important to note here that, the applicant is registered owner and rightful claimant of seized vehicle. It is improper to keep seized vehicle in the possession of the police station. If the seized vehicle remained in the possession of police, it will cause rust and become useless. There is every possibility to cause damage to it and great hardship and irreparable loss to the vehicle. Hence, I proceed to pass the following order.

**-:: ORDER ::-**

- 1) The application is allowed in the interest of justice.
- 2) Interim custody of the Auto Bajaj RE-CNG bearing

registration No. MH-24-AT-7983, in crime No.250/2025 be returned to the applicant on furnishing supurtnama/indemnity bond" of Rs.3,00,000/- (Rupees Three Lakh only).

- 3) The applicant shall not change nature of that vehicle or dispose the same by any manner till final disposal of alleged crime.
- 4) The applicant shall produce said vehicle as and when ordered by this Court, or any other Court or competent authority in connection with the offence.
- 5) The applicant shall produce 4 photographs of 4 corners of the said vehicle with signatures at his cost.
- 6) The P.S.O. of police station is directed to return that vehicle to the applicant after satisfied conditions and prepare its panchnama and filed the same with final report.
- 7) Order dictated on computer and pronounced in open court.

Date : 26/05/2026.

( S.A. Surjuse )  
Judicial Magistrate First Class,  
**Deoni.**