



Order below Exh. 1 in
Criminal Miscellaneous Application No. 59/2026
(Abdul Kafi @ Rehan Istiyak Ahmed Shahaji Vs.
State of Maharashtra)
(Passed on 28/05/2026)

This is an application for the custody of a motorcycle bearing registration No. MH-13/EV-1056 of Suzuki India Pvt. Ltd. make (hereinafter referred to as “vehicle” for brevity).

2. The applicant has contended that he is the owner of said vehicle. Said vehicle is seized by Vijapur Naka Police Station in connection with C.R. No. 202/2026. Said vehicle is lying in the premises of the police station. The applicant is in need of said vehicle. Keeping said vehicle in the premises of police station would cause damage to it. The applicant is ready to abide conditions to be imposed by this Court. He has, therefore, claimed custody of said vehicle.

3. The prosecution has filed its say and opposed the application by contending that said vehicle was used for the commission of offence. There is possibility of changing nature of said vehicle. Hence, it is requested to reject the application.

4. On perusal of record, it can be seen that said vehicle was allegedly used in the commission of the offence. However, said vehicle is not required for the purpose of investigation. If at all said vehicle is required at the time of trial, its panchnama and photographs would suffice the purpose.

5. Certificate of registration at Exh. 3/3 is showing that said vehicle is registered in the name of the applicant. As stated earlier, said vehicle is not required for the purpose of investigation. Keeping custody of said vehicle either with the Police Station or with the Court will not serve any purpose. On the contrary, keeping said vehicle in idle condition would cause damage to it. In the said background, it would just and proper to hand over custody of said vehicle to the applicant on conditions. As regards to apprehension expressed by the learned A.P.P, conditions can be imposed on the applicant.

6. In the result, following order.

1. The application is allowed.
2. Custody of a motorcycle bearing registration No. MH-13/EV-1056 of Suzuki India Pvt. Ltd. make is handed over to the applicant on executing his bond of Rs.1,00,000/- (Rs. One lac only).
3. The applicant shall bind himself that :-

- i) He shall produce the vehicle before this Court and Investigating Officer as and when required.
- ii) He shall not sale or create third party interest over the said vehicle till final disposal of the case.
- iii) He shall not change the nature/mechanism of said vehicle till final disposal of the case.

4. The Investigating Officer shall -

- i) Take photographs of said vehicle before handing over it to the applicant.
- ii) Prepare detail panchanama of said vehicle before handing over to the applicant.

Date : 28/05/2026
Place : Solapur.

(Jaydip J. Mohite)
Special Judge (POCSO),
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni, Stenographer (Grade-I)
- (b) Court : District Judge-4, Solapur.
- (c) Date of Order : 28/05/2026
- (d) Order signed by the Presiding Officer on : 28/05/2026
- (e) Order uploaded on : 28/05/2026