

IN THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE,
5TH COURT, DADAR (AT SEWREE), MUMBAI.
C. C. NO.1716/M/2026

Khushbu Bharat Parekh ... Applicant.

Versus

The State (At the instance of
Shivaji Park Police Station, Mumbai.) ... Respondent.

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY

This is an application filed under Section 503 of the Bhartiya Nyaya Sanhita. Perused the application, gone through the available record. I have heard the Learned Advocate representing applicant and the Learned A. P. P.

2. By way of this application the applicant is seeking temporary custody of Suzuki Access 125 Scooter bearing registration No.MH-01-DU-1671, bearing Chasis No.MB8DP12DKL8405724 and Engine No.AF216469795, seized by Shivaji Park Police Station, Mumbai, in C. R. No.159/2026 for the offence punishable under Section 303(2) of the Bhartiya Nyaya Sanhita.

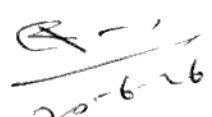
3. The say of Investigating Officer and Learned A. P. P. was called. The Learned A. P. P. and the I. O. have submitted that, they have no objection to release the said vehicle on certain conditions.

4. This application is supported with affidavit of the applicant. The applicant is the informant in C. R. No.159/2026. She has filed on record the copy of the F. I. R. She has also filed self attested copies of R. C. Book and Aadhar card. The record shows that applicant is the informant in C. R. No.159/2026 and registered owner of said vehicle. Therefore, certainly being the custodian of the scooter, the applicant is entitled to get possession of the same. It is to be noted that the applicant

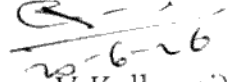
has claimed for interim custody of the said vehicle. The point of final custody of the vehicle would be decided at the conclusion of trial. In the case of Sunderbhai V/s State of Gujrat : (2003) 24 BCR SC 444, the Hon'ble Supreme Court guided in the words of caution to decide the application as early as possible. Therefore, considering the totality of the circumstances, there is no use to keep the seized property i.e. scooter at the police station for longer period and appropriate order should be passed immediately regarding the return of property by taking appropriate bond as well as security for return of the said property if required at the time of trial. Hence, I pass the following order.

ORDER

- i. The application is allowed.
- ii. The interim custody of seized vehicle i.e. Suzuki Access 125 Scooter bearing registration No.MH-01-DU-1671, bearing Chasis No.MB8DP12DKL8405724 and Engine No.AF216469795, Matt Red Colour, seized by Shivaji Park Police Station, Mumbai, in C. R. No.159/2026, be given to the applicant Khushbu Bharat Parekh upon executing her indemnity bond of Rs.40,000/- (Rs. Forty Thousand) with further condition that,
 - (a) She shall not sale, transfer the said vehicle or shall not create third party interest on the said vehicle without prior permission of the court,
 - (b) She shall not change colour and nature of the said scooter,
 - (c) She shall produce said scooter as and when directed by the court,
 - (d) She shall produce two colour photographs of the said scooter, out of which one shall be from the front side and one shall be from rear side.


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- iii. The Investigating Officer is directed to submit all the relevant papers of the seized scooter along with the report of C. R. No.159/2026 and he shall mention in it about the return of muddemal property to the applicant.
- iv. Issue letter to the concerned police station accordingly.



(Vaibhav V. Kulkarni)

Date : 20/06/2026.

Addl. Chief Judicial Magistrate,
5th Court, Dadar (At Sewree), Mumbai.