

MHNG180004492026



ORDER BELOW EXH. 01

(Passed on 13/03/2026)

The present application is filed by applicant u/s 503 of Bhartiya Nagrik Suraksha Sanhita for releasing **HONDA MOTORCYCLE (CB SHINE) IS having Registration NO. MH 40 BU 5414 bearing Engine No. JC65E72274134 and Chasis No. ME4JC65AHJ7175578** on supratnama.

2] Perused the application and the documents filed along with it and say filed by Ld. APP and Investigating Officer.

3] The learned advocate for applicant submitted that applicant is owner of the above mentioned vehicle. The said two wheeler which was seized by Police Station Kalmeshwar, vide Crime No. 220/2026 (State v/s Jitendra), u/s 12 of Gambling Act. The said vehicle is presently in their custody. The applicant is owner of said vehicle, hence he is entitled of supratnama of above vehicle.

5] Ld. APP filed his say and strongly opposed the application on the ground that the matter is serious in nature. If the said application is allowed then there is possibility of repeation of same act . Considering the same, application be rejected.

6] Investigating officer filed his say at Exh.04 and prayed to reject the application.

7] Perused the record. The record shows that the above mentioned **HONDA MOTORCYCLE (CB SHINE) IS having Registration NO. MH 40 BU 5414 bearing Engine No. JC65E72274134 and Chasis No.**

ME4JC65AHJ7175578 has been seized from the possession of the accused who was involved in commission of offence.

8] The applicant in support of his contention has filed documents on record along with list of documents Exh.3 i.e. copy of Insurance Policy, copy of Aadhar Card of applicant, Certificate of Reg. report, copy of FIR in crime no. 220/2026. From the perusal of above documents, it prima facie shows that applicant appears to be the possessor of the said mobile.

9] Considering the nature and gravity of offence, no purpose would be served in keeping the seized vehicle i.e. **HONDA MOTORCYCLE (CB SHINE) IS having Registration NO. MH 40 BU 5414 bearing Engine No. JC65E72274134 and Chasis No. ME4JC65AHJ7175578** lying in the Police Station Kalmeshwar. The seized vehicle is two wheeler and trial may take its own time. The Chargesheet is already filed on record. Moreover, seized vehicle can be called as and when required by Court. At this juncture, the possibility of the damage to vehicle can not be ruled out if vehicle kept lying at Police Station Kalmeshwar. In the present crime, nobody except applicant came before the court to claim in respect of the seized vehicle. So far as objection raised by learned APP is concerned, it is just and proper to impose conditions, which will suffice the purpose. In view of the directions of the Hon'ble Supreme Court in the judgment of *Sunderbhai Ambalal Desai v. State of Gujrat (A.I.R. 2003 Supreme Court 638)* and the aforesaid reasons, I am of the opinion that the seized vehicle and mobile be returned to the applicant by imposing following conditions. Hence, the following order :

ORDER

1. The application is allowed.
2. The seized vehicle i.e. **HONDA MOTORCYCLE (CB SHINE) IS having Registration NO. MH 40 BU 5414**

bearing Engine No. JC65E72274134 and Chasis No. ME4JC65AHJ7175578 be handed over to the applicant **Jitendra Manikrao ghayvat** till the conclusion of the trial on executing indemnity bond of **Rs.50,000/- (Rupees Fifty thousand only)** on following terms and conditions :-

- a. The applicant shall not sale or create third party interest in the said vehicle till final disposal of the case.
 - b. The applicant shall not change nature of vehicle till final disposal of the case.
 - c. The applicant shall produce said vehicle before the Court in any matter arising out of above said crime, as and when directed.
 - d. The applicant hereby strictly restricted from using the said vehicle for any offenses or illegal purpose.
3. **The Investigating officer is hereby directed to -**
- a. Take photographs of said vehicle through all angles and prepare detail panchnama of said vehicle and mobile which shall be countersigned by the applicant.
 - b. The Investigating officer is directed to file photographs and panchnama in the Court along with chargesheet.
 - c. The applicant to execute Indemnity before concerned Investigation Officer.
 - d. The Concern Clerk is directed to attach Indemnity Bond papers along with charge sheet of Crime No. 220/2026.

Date : 13/03/2026

Sd/-
(Saurabh B. Mandwe)
Judicial Magistrate First Class,
Kalmeshwar.

CERTIFICATE

I affirm that the contents of the this PDF file order are same word to word, as per the original order.

Name of the stenographer - J.J.Kadu(L.G.)