

CNR-MHPA100003052026

**Criminal Miscellaneous Application****No. 08/2026****Order Below Exh.01****Pundlik Dhage Vs State of Maharashtra**

1. The applicant, Pundlik S/o Pandurang Dhage, has filed the present application under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking release of the Swift Dzire VDI Car bearing Registration No. MH-22-AM-4218, Chassis No. MA3CZF03SKC512301 and Engine No. D13A-3471077, seized in connection with Crime No. 235/2026 registered at Palam Police Station, Taluka Palam, District Parbhani, for the offences punishable under Section 64 of the Bharatiya Nyaya Sanhita and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, on execution of a Supurtnama Bond.

2. Briefly stated, the case of the applicant is that he is the owner and possessor of the aforesaid vehicle. According to him, he purchased the said vehicle from one Ramprasad Uttamrao Jagtap under a notarized document bearing No. 48/2024 dated 16.01.2024. It is his contention that owing to an outstanding loan liability, the vehicle could not be formally transferred in his name. The applicant submits that the aforesaid vehicle came to be seized by the police during the course of investigation of the present crime and has since been lying in the premises of Palam Police Station. It is further contended that the applicant is a driver by profession and that the said vehicle constitutes his primary source of livelihood. According to him, prolonged retention of the vehicle in the police station would result in deterioration of its condition and substantial loss in its

value, thereby causing him irreparable hardship. The applicant has further undertaken to abide by any conditions that may be imposed by the Court while granting custody of the vehicle. On these grounds, he has prayed for release of the vehicle on Supurtnama.

3. The learned APP, by filing a reply, has strongly opposed the application. It is contended that the offence involved is of a serious nature and that the seized vehicle was allegedly used in the commission of the offence. It is further submitted that the investigation is still in progress and that the documents pertaining to the vehicle are under scrutiny. According to the prosecution, if the vehicle is released at this stage, there is a possibility of tampering with or destruction of evidence relevant to the prosecution case. On these grounds, the learned APP has prayed for rejection of the application.

4. Heard Mr. P. S. Damre, learned Advocate for the applicant, and Mr. S. D. Wakodkar, learned APP for the State. Perused the application, the reply filed by the prosecution, and the material placed on record.

5. I have carefully considered the rival submissions advanced by the learned Advocate for the applicant and the learned APP for the State. I have also perused the application, the reply filed by the prosecution, the documents produced by the applicant, and the material available on record. The record reveals that during the course of investigation, the Swift Dzire VDI Car bearing Registration No. MH-22-AM-4218 came to be seized and is presently lying in the custody of Palam Police Station as muddemal property. The applicant

has claimed possession of the said vehicle on the basis of a notarized document executed by the previous owner. It is not in dispute that the vehicle has remained in police custody since its seizure.

6. The principal objection raised by the prosecution is that the documents relating to the vehicle are under scrutiny. However, in my considered view, such scrutiny or verification of documents can be carried out even after the vehicle is released on appropriate terms and conditions. The prosecution has not pointed out any specific circumstance indicating that the physical custody of the vehicle is necessary for any further investigation. No material has been placed on record to demonstrate that release of the vehicle would adversely affect the investigation or prejudice the prosecution case. Mere apprehension of tampering with evidence, unsupported by any concrete material, cannot be a valid ground for indefinite retention of the property in police custody.

7. It is pertinent to note that the seized vehicle is a valuable movable property and is stated to be the sole source of livelihood of the applicant. Its continued retention in police custody for an indefinite period is likely to result in deterioration of its condition, depreciation of its market value and loss of utility. It is a matter of common experience that motor vehicles, if kept unused for a prolonged period, suffer mechanical wear and tear and gradually lose their value. Such avoidable loss should not be permitted when the interests of justice can be adequately safeguarded by imposing suitable conditions for production of the vehicle whenever required by the Court or the Investigating Agency.

8. In this regard, reliance can be placed on the decision of the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai v. State of Gujarat, reported in (2002) 10 SCC 283**, wherein it has been observed that valuable properties and vehicles should not be allowed to remain in police custody for an unnecessarily long period and that such properties should ordinarily be released on appropriate terms and conditions so as to avoid deterioration and loss. The principles laid down in the aforesaid judgment squarely apply to the facts of the present case. The identity and evidentiary value of the vehicle can be preserved by recording its registration number, chassis number, engine number and other identifying particulars and by taking photographs thereof before its release.

9. Having regard to the nature of the property involved, the fact that no material has been placed on record to show that the vehicle is still required for the purpose of investigation, and the principles laid down by the Hon'ble Supreme Court in the aforesaid decision, I am of the considered opinion that no useful purpose would be served by continuing to retain the seized vehicle in police custody. The interests of justice would be adequately safeguarded by releasing the vehicle to the applicant on appropriate terms and conditions. Consequently, the applicant has made out a case for release of the seized vehicle. Hence, the following order is passed.

ORDER

1. Criminal Misc. Application No. 08 of 2026 filed by the applicant Pundlik S/o Pandurang Dhage under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby allowed.
2. The Investigating Officer/Officer-in-Charge of Palam Police Station shall release the seized car

bearing registration No. MH-22-AM-4218, seized in Crime No. 235/2026, to the applicant on execution of a Supurtnama bond in the sum of ₹ 9,00,000/- (Rupees Nine Lakh only) with one solvent surety in the like amount.

3. Before releasing the said Swift Dzire Car, the Investigating Officer shall take coloured photographs of the car from different angles and record its bearing registration number, chassis number, engine number and other identifying particulars, if not already done. The photographs and particulars shall be preserved on record for the purpose of identification during trial.
4. The applicant shall not sell, transfer, alienate, part with possession of, or create any third-party interest in respect of the said car till conclusion of the trial without prior permission of the Court.
5. The applicant shall not tamper with said car which may be relevant for the purpose of the trial.
6. The applicant shall produce the said car before the Court or the Investigating Agency as and when directed by the Court during the pendency of the proceedings.
7. In case of breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Supurtnama and recall of the muddemal property in accordance with law.
8. Criminal Misc. Application No. 08 of 2026 is dispose of accordingly.

Date: 09.06.2026

(V. M. Sundale)
Additional Sessions Judge,
Ad-hoc Court No.2, Gangakhed