



Order Below Exh.3 in Sessions Case No. 75/2023
(CNR : MHPU14-001430-2023)

State of Maharashtra
Vs.
Pradeep Bhiva Newase + 2

1. By this application applicant/accused has sought to release the vehicle i.e. Royal Enfield M-cycl Classic 350 Motorcycle bearing registration No. MH-42/AK-1314 which is lying in Yavat Police Station in CR No. 940/2022.
2. It is the contention of applicant/accused that he is the owner of aforesaid vehicle. Yavat police have seized the same from his custody since contending that it was used by him in commission of the offence. Further, investigation in respect of the seized vehicle is already over. According to him, if the vehicle is not used and kept lying in police station, the spare parts such as battery, tyres etc. will get damaged and it would be a great loss to him. He undertakes that he will not change the nature of vehicle in any manner and is ready to produce the same as and when required by the court. On these grounds he prayed to allow his application.
3. Ld. A.P.P. Shri. Navale has objected the application vide say at Exh. 6 since contending that the seized vehicle i.e. Royal Enfield M-cycl Classic 350 Motorcycle bearing registration No. MH-42/AK-1314 was used by the applicant/accused in commission of the serious offence and it is an important piece of evidence. According to him, if the vehicle is released at this stage there is every possibility that applicant may sell it or make changes in it so as to destroy the evidence and as such he prayed for rejection of the application.

4. Heard. Perused application, say and the police papers filed on record. It is clearly seen that applicant/accused is the owner of seized motorcycle. Considering the same and the fact that the vehicle will lose its value if kept lying in the police station for indefinite period, it is desirable to return the same to the applicant/accused subject to certain conditions. Accordingly I pass following order.

ORDER

- 1 Application is allowed.
- 2 The seized vehicle i.e. Royal Enfield M-cycl Classic 350 Motorcycle bearing registration No. MH-42/AK-1314 is ordered to be released in favour of the applicant within a period of one week from the date of receipt of a copy of this order on following conditions :
 - i. The applicant/accused shall produce necessary documents before the concerned Investigating Officer regarding ownership of the vehicle in question.
 - ii. That he shall execute supurtnama bond of Rs. 70,000/- (Rs. Seventy Thousand only).
 - iii. That he shall give an undertaking that his vehicle will not be used for any illegal activities in future.
 - iv. That he shall not alienate the vehicle in question in any manner till disposal of the case.
 - v. That he shall produce the vehicle as and when required in the court during trial.
- 3 The Investigating Officer is directed to obtain the photographs of seized Royal Enfield M-cycl Classic 350 Motorcycle bearing registration No. MH-42/AK-1314 at the cost of applicant for its identification purpose and shall submit the same along with its negatives or relevant chip along with the charge-sheet.

Date : 30/05/2023.

(K.S.Bakre)
Additional Sessions Judge
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno	:- R.L. Bhunyar (Stenographer Grade-I)
Court Name	:- K.S. Bakre Additional Sessions Judge, Baramati.
Date of Order	:- 30/05/2023
Order signed by the Presiding Officer	30/05/2023 :-
Order Uploaded on	:- 30/05/2023