



**ORDER BELOW EXH.3 IN SESSIONS CASE**

**NO.126/2024**

(CNR NO. MHPU140025022024)

(State of Maharashtra Vs. Arif Rajuwali Pathan)

1] By this application, accused has sought release of Hero HF Delux motorcycle No. MH42-BA-7086 on Supurtnama bond under Section 451 of the Code of Criminal Procedure.

2] Accused has contended that he has been charge-sheeted in this case for offence punishable under sections 328, 272, 273 of the Indian Penal Code and under sections 26(1), 26(2), 27(1), 27(2), 27(3), 30(2) and 59 of the Food Safety AND Standards Act, 2006. The above-mentioned motorcycle seized in the crime by police is owned by him, which is of necessary daily use. If it is allowed to keep in the police station, its condition would deteriorate. Hence, he submitted to release it on conditions.

3] Learned A.P.P. for State filed say, opposing the application. He submitted that the applicant/accused has used the said vehicle in commission of the said offence. He submitted that if it is released, the accused may change its nature. He submitted to reject the application.

4] Heard learned advocate for accused and learned A.P.P. for State. Perused the record.

5] Applicant/accused claimed to be owner of the property. He has filed affidavit in support of application along with documents viz., Certificate of Registration and receipt of insurance. Certificate of registration shows the name of applicant owner Arif Rajuwali Pathan. The insurance receipt is in the name of the present accused. In this case, charge-sheet came to be filed by Yawat police station, Tal. Daund. He is stated to be

released on bail. In view of the circumstances, keeping vehicle idle in the police station would not serve any purpose, as its condition may get deteriorated. The conditions shall be imposed on the accused while releasing the vehicle not to alter or change its nature during pendency of the case with directions not to dispose it of. Further, appropriate panchanama shall be drawn and photographs shall be taken in respect of the said vehicle. Hence, vehicle so seized, be released in favour of the accused subject to conditions. Hence, following order is passed.

**ORDER**

- (1) Application is hereby allowed.
- (2) Hero HF Delux motorcycle No. MH42-BA-7086 seized from the custody of the accused in this crime, be released in his favour by obtaining Supurtnama bond of Rs.50,000/- from accused.
- (3) Accused shall undertake to produce the said vehicle before the Court, as and when called for, during trial of the case.
- (4) Accused shall not change or alter the nature of the said vehicle as on the date of its release and further he shall not dispose it of to anyone till decision of the case.
- (5) Yawat police station, Tal. Daund to draw appropriate panchanama before handing over the vehicle to the accused and shall also take photographs thereof.
- (6) Supurtnama bond shall be executed before the P.S.O., Yawat police station, Tal. Daund and all the documents shall be submitted to the Court in this case.

Date :- 23.08.2024.

(Vijay C. Barde)  
Additional Sessions Judge,  
Baramati.

## CERTIFICATE

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

Name of Stenographer	:	I. E. Deshmukh Stenographer (G-1)
Court Name	:	V. C. Barde Additional Sessions Judge, Baramati, Dist. Pune.
Date of Order	:	23.08.2024.
Order signed by Presiding Officer	:	23.08.2024.
Order uploaded on	:	23.08.2024.