

Order below Exh.05 in Sessions Case no.11/2020.

(CNR No.MHPU21-000192-2020)

1] The applicant-Pramod Vishram Chopade has moved this application and prayed to release the Hero Motocorp Ltd. Splendor+ motorcycle bearing registration No.MH-14-HA-7998, engine no.HA10AGJHF49714, chassis no.MBLHAR078JHF40574 on the grounds set out in the application, mainly on the ground that he is the registered owner of said vehicle, it is required for his personal use and if the vehicle in question remains idle in the precinct of police station, rust will corrode it.

2] Ld. APP Shri. Dhamale filed say to this application on the back side itself. He opposed the application on the ground that the vehicle has been used in serious offence. If the vehicle is released, the applicant will sell it out or change its nature. Hence, application may kindly be rejected.

3] Heard the learned advocate Shri. S. N. Karale for the applicant and the learned APP Shri. Gate for the State. They argued as per application and say. Perused the documents on record.

4] As per memorandum panchanama, the aforesaid motorcycle was seized by police from the accused-Shankar Pramod Chopade. It further shows that it was used in commission of offence under section 307, 341, 120-B, 34 of IPC vide CR no.1077/2019 of Chakan police station. Said motorcycle was recovered at the instance of accused Shankar Chopade. There is nothing incriminating on the said vehicle. Accused-Shankar Pramod Chopade used it for coming to the spot of incident. Applicant is not the accused. The applicant has produced on record copy of aadhar card, certificate of registration and copy of

insurance policy. Said documents show that the applicant is the registered owner of said vehicle. The applicant claims that the vehicle in question is necessary for daily needs. If the vehicle is kept idle in the precinct of police station, certainly, rust will corrode it. There is substance in his submission. Therefore, there is no point in keeping the vehicle in question in the precinct of police station. Therefore, application can be allowed subject to certain conditions. Hence, following order is passed.

ORDER

- 1] Application Exh.05 is allowed.
- 2] The police of Chakan police station shall release the Hero Motocorp Ltd. Splendor+ motorcycle bearing registration No.MH-14-HA-7998 having Engine no.HA10AGJHF49714, Chassis no.MBLHAR078JHF40574 to applicant-Pramod Vishram Chopade on following conditions.
 - A] The applicant Pramod Vishram Chopade shall execute indemnity bond of Rs. 50,000/- (Rs. Fifty Thousand only).
 - B] The applicant shall produce the vehicle in question before the Court as and when ordered by this Court.
 - C] The applicant shall not alienate, transfer or otherwise dispose-of the vehicle in question till decision of the case.
 - D] The applicant shall not alter the nature of vehicle or cause damage to any part of vehicle and shall keep the vehicle in question in workable condition till disposal of case.
 - E] The applicant shall not use or allow to use the vehicle in question in any crime.
 - F] The applicant is directed to execute a separate undertaking in respect of aforesaid clause Nos. B to E.

Sd/-

Date:-03/09/2020

(N. K. Brahme)
Additional Sessions Judge
Khed- Rajgurunagar.

CERTIFICATE

I affirm that the contents of PDF file Judgment/order are same word for word as per original Judgment.

Name of Steno	-S. Y. Shaikh, Stenographer (Grade-1)
Court name	- Shri. N. K. Brahme, Additional Sessions Judge, Khed-Rajgurunagar, Dist; Pune.
Directly typed on	-03/09/2020
Checked and signed on	-03/09/2020
Date:-	-04/09/2020