

ORDER BELOW EX.3.

The applicant/accused No.4 Dinesh Sanjay Taru has filed the present application for return of seized two wheeler vehicle under Section 457 of the Code of Criminal Procedure.

2] According to the applicant/accused No.4, he is the registered owner of two wheeler Hero Splender Plus Motorcycle having RTO registration No. MH-14-HH-7998, Chassis No.MBLHAR073J5K16317 and Engine No. HA10AGJ5K24523. The said two wheeler is seized by Khed Police Station in C. R. No.236/2021 u/s.302, 201, 120b, 363, 364 r/w.34 of Indian Penal Code.

3] It is further contended by the applicant that, in this crime the accused were arrested. Investigation is practically completed and charge-sheet has been filed. The police have seized the said vehicle of applicant for investigation purpose. The applicant further submitted that he is in need of the said vehicle for his personal use. Since the seizure, the said vehicle is lying in the police station, which will cause damage to the vehicle. He is ready to furnish necessary bond and abide the conditions imposed by the Court, if any. He further submitted that he will not sell, alienate or transfer the said vehicle till the conclusion of trial. Hence, it is prayed that the interim custody of the aforesaid vehicle be given to him.

4] APP filed say on this application and submitted that the nature of offence is serious, the vehicle is seized by the police at the instance of this applicant. Hence, application be rejected.

5] Heard learned advocate for the applicant. He submitted that the applicant is the registered owner of the said two wheeler. Applicant has produced on record the the verified copies of RC Book of the said vehicle and his Aadhar Card. The seized vehicle is of regular use of the applicant for his work purpose therefore, he is suffering inconvenience. The applicant is ready to produce the said vehicle at the time of trial as and when directed by the Court.

6] I have gone through the verified documents on record. The RC Book of the said vehicle issued by RTO shows that the applicant is registered owner of two wheeler Hero Splender Plus Motorcycle having RTO registration No. MH-14-HH-7998, Chassis No.MBLHAR073J5K16317 and Engine No. HA10AGJ5K24523. The applicant has placed on record his Aadhar card and insurance of the said vehicle. The applicant has also filed his affidavit admitting that, he is the owner of the said seized two wheeler. The documents show that the applicant is registered owner of the said two wheeler seized by Khed Police in Crime No.236/2021. The said two wheeler is lying in the police station. In such circumstances, keeping the motorcycle in the police station will cause damage. Hence it will be just and proper to return the said

motorcycle to the applicant/accused being a registered owner on certain conditions on producing the original before the court. Hence, I pass following order.

ORDER

- 1] Application (Ex.3) is allowed.
- 2] The two wheeler Hero Splender Plus Motorcycle having RTO registration No. MH-14-HH-7998, Chassis No. MBLHAR073J5K16317 and Engine No. HA10AGJ5K24523 be returned to the applicant/accused No.4 Dinesh Sanjay Taru on executing indemnity bond (Suprutnama) of Rs.50,000/- on following conditions –
 - a] The applicant shall not alienate, sell or transfer the above motorcycle.
 - b] The applicant to produce the above motorcycle whenever called for in the court.

Khed
Date : 09.05.2022

(S. N. Patil)
District Judge-3 &
Additional Sessions Judge,
Khed-Rajgurunagar, Pune.