



Digvijay Jagannath Shingade
Vs.
State of Maharashtra

ORDER BELOW EXH. 1
(Passed on 6th June, 2026)

This is an application filed by the applicant/accused under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property i.e. Yamaha XSR (DD4100) motorcycle bearing Registration No. **MH-10-EU-5570** seized by Manchar Police Station, Tq. Ambegaon Dist. Pune in Crime No. **133/2026** for offence punishable under Section 74, 78, 351 (2) (3) of Bhartiya Nyaya Sanhita.

2. That the applicant/accused is the owner of the said motorcycle. The above said motorcycle was using by the applicant/accused. Manchar Police Station seized above said motorcycle in said crime **C.R. No. 133/2026**. Therefore, the applicant/accused has filed this application for getting custody of said motorcycle. The applicant/accused further submitted that said motorcycle is lying in the Police Station as unattended condition and therefore possibility of it's damage by natural calamities cannot be ruled out. He submitted that, he is ready to abide all the conditions if any imposed by the Court. On these grounds, the applicant/accused sought for return of the seized muddemal property.

3. Say of I.O. and A.PP was called. They have raised objection on the ground that if said motorcycle given in the custody

of applicant/accused, the applicant/accused may sell it or may alter its nature. If said motorcycle is given to the applicant/accused, there is possibility of use of the same in similar crime.

4. Heard A.PP for the State and Advocate for the applicant/accused.

5. Applicant/accused has filed the verified copy of his Aadhar card and verified copy of RC book of said motorcycle. Perused the said documents, it reveals that applicant/accused is the owner of the motorcycle in question. Therefore, certainly being owner of motorcycle, he is entitled to get the possession of the motorcycle. Moreover, applicant/accused has claimed for interim custody of the motorcycle. The point of final custody of motorcycle would be decided during the conclusion of trial. In such circumstances, applicant/accused is entitled for the custody of motorcycle. If motorcycle remains idle at Police Station, then there is possibility of getting it damaged. No purpose will be served by keeping said motorcycle at Police Station. So, there is no reason to refuse this application and more particularly in view of the dictum of Their Lordships of the Apex Court in the case of **Sunderbhai Vs State of Gujrath** reported in **(2003) 24 BCR (SC) 444** wherein it has been observed that, there is no used to keep seized property at police station for long period and appropriate orders should be immediately made regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. Therefore, I pass the following order :-

ORDER

1. Application is hereby allowed.

2. Interim Custody of seized motorcycle bearing No. **MH-10-EU-5570** be given to the applicant/accused namely **Digvijay Jagannath Shingade** upon furnishing bond in sum of Rs.50,000/- (Rs. Fifty Thousand only).
3. I.O. is hereby directed after furnishing bond to prepare detail proper panchanama of said motorcycle and take photographs of it and with condition to produce it at the time of trial, if required.
4. I.O is hereby directed to take sufficient photograph of said motorcycle with attention of applicant/accused.
5. The applicant/accused shall not sell, transfer the said Motorcycle or he shall not create third party interest without prior permission of the Court and he shall not change the colour and nature of the motor cycle.
6. The applicant/accused shall produce the said motorcycle before the police and the court as and when required.
7. Applicant/accused shall satisfy future claimant, if any.
8. Issue letter to Manchar Police Station accordingly.
9. This application is accordingly disposed of.

Ghodegaon
Date : 06/06/2026

(Santosh L. Vaidya)
Judicial Magistrate First Class
Ghodegaon, Dist. Pune.

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word to word as per original Judgment.

Name of Stenographer	: R. K. Shengule,
Name of Court	: Shri. S. L. Vaidya, Jt. Civil Judge Junior Division & J.M.F.C., Ghodegaon, Tal- Ambegaon, Dist- Pune.
Date of Order	: 06/06/2026
Date of PO Signed on	: 06/06/2026
Date of PDF/Upload	: 06/06/2026