

MHPU240010952025 	<u>SCC. No.493/2025</u> <u>State of Maharashtra</u> <u>Vs</u> <u>Omkar Dinkar Kadam</u>
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ORDER BELOW EXH. 17**(Passed on 10th July, 2026)**

This is an application filed by the accused under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property i.e. Maruti Suzuki Company's Swift VDI BSIII Car bearing Registration No. **MH-14-BC-5022** seized by Manchar Police Station, Tq. Ambegaon Dist. Pune in Crime No. **374/2024** for offence punishable under Section 281, 324 (4), 324 (5) of Bharitya Nyay Sanhita 2023, under Section 184, 134 (a)(b), 177 of Motor Vehicle Act, under Section 5-A, 5-C and 9-A of Maharashtra Animal Preservation Act and under Section 11 (a) of Prevention of Animal from Cruelty Act.

2. That the accused is the owner of the said Car. The above said Car was using by the accused. Manchar Police Station seized above said Car in said crime **C.R. No. 374/2024**. Therefore, the accused has filed this application for getting custody of said Car. The accused further submitted that said Car 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 accused sought for return of the seized muddemal property.

3. Say of A.P.P was called. Ld. APP has raised objection on the ground that if said Car even in the custody of accused, the accused sell it or may alter its nature. If said Car is given to the accused there is possibility of use of the same in similar crime.

4. Heard A.P.P for the State and Advocate for the accused.

5. accused has filed the verified copy of his Aadhar card and verified copy of RC book of said Car. Perused the said documents, it reveals that accused is the owner of the Car in question. Therefore, certainly being owner of Car, he is entitled to get the possession of the Car. Moreover, accused has claimed for interim custody of the Car. The point of final custody of Car would be decided during the conclusion of trial. In such circumstances, accused is entitled for the custody of Car. If Car remains idle at Police Station, then there is possibility of getting it damaged. No purpose will be served by keeping said Car 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 Exh. 17 is hereby allowed.
2. Interim Custody of seized Car bearing

No.**MH-14-BC-5022** be given to the accused namely **Omkar Dinkar Kadam** upon furnishing bond in sum of Rs.3,00,000/- (Rs. Three Lakhs only).

3. I.O. is hereby directed after furnishing bond to prepare detail proper panchanama of said Car 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 Car with attention of accused.
5. The accused shall not sell, transfer the said Car 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 Car.
6. The accused shall produce the said Car before the police and the court as and when required.
7. accused shall satisfy future claimant, if any.
8. Issue letter to Manchar Police Station accordingly.
9. This application is accordingly disposed of.

Sd/-

Ghodegaon
Date : 10/07/2026.

(Santosh L. Vaidya)
Judicial Magistrate, F.C.,
Ghodegaon, Dist. Pune.