

MHRG010002102026



ORDER BELOW EXHIBIT NO.1 IN VEHICLE RETURN APPLICATION
– Criminal M.A. No. 16/2026

Vasundhara Infra Developers through
Nitin Namdev Amburle

Vs.

State

(Today dated 13.03.2026)

Perused the application filed by the applicant - accused for return of his without number yellow coloured Hyundai R 210-7 Hydraulic Excavator Poclain Machine (Serial No.N601D00906) seized in the C.R.No.7/2026 by Murud PS on the grounds that,

- He is the registered owner of the above Excavator Machine as per the verified copy of its Tax Invoice at Exh.7, Registration Certificate Exh.11, No objection certificate Exh.13 and his identity – verified copy of Aadhar card at Exh.8.
- The said Excavator Machine was seized in above crime. Further the said Excavator Machine is lying idle and not required for any further investigation and is likely to be worse in condition if lying idle.
- Secondly he needs the said Excavator Machine in question to his daily commute.
- He further assures and undertakes to abide by any/all conditions imposed by this Court and produced the same

alongwith guarantee bond.

and prayed for release of the said Excavator Machine.

2] Perused the say of I.O. cum A.P.P. vide Exh.6 that the investigation is still going on about use of the said Excavator Machine and if handed over in the interim custody of the applicant owner, he is likely to sell the same and even otherwise if retained he is likely to reuse it for the same purpose – for the same offence and also modify it so as to become unidentifiable and on these counts prayed for rejecting this application.

3] Heard the Ld. Defence Counsel Heena Tandel – for applicant – accused as per application and Ld. A.P.P. Mrs. Dhumal as per her say. Perused entire record of the case.

4] In such circumstances, the investigation is near about complete as the F.I.R. is filed on 13.01.2026 and today it is 13.03.2026 i.e. 02 months so in such type of offences no such investigation remains and is appearing here to be remaining. Secondly the objections taken by the Ld. I.O. and A.P.P. vide Exh.6 can be taken care of by imposing stringent conditions. But the vehicles cannot be detained altogether at the police station to the detriment of the owner, his use and the nature and depreciation of the vehicle and it can be called as and when require by law for identification purposes as well and also the livelihood of the applicant cannot be marred by detaining the vehicle at police station. In view of this settled law, I find it a fit case to exercise judicial discretion in favour of the applicant owner as he has

produced the verified copy of the Tax Invoice of the said Excavator Machine as well as his Adhar card and no other person has objected for allowing this application. Further this vehicle is not required in any other offence as well.

5] Hence and for these reasons this application is justified and the applicant – owner Nitin Namdev Amburle is entitled to interim custody of the said Excavator Machine above on executing supurtnama and imposing following conditions. Hence, order infra.

ORDER

1. This application is hereby allowed.
2. **Hyundai R 210-7 Hydraulic Excavator Poclain Machine (Serial No.N601D00906) without number yellow coloured, seized in the C.R.No. 7/2026 by Murud PS** be handed over in the interim custody of the owner – applicant – on his executing supurtnama of Rs.35,00,000/- (Rs. Thirty Five Lakhs Only) and executing undertaking to the effect that ;
3. He will not part with the possession, ownership and use of the said Excavator Machine in any manner to any third party by way of transfer, sale, mortgage, pledge, rental, charge etc.
4. He will not alter the make and conditions, colour and other things etc. nor modify it so as to change its appearance from the state as on the day it was seized and till date so that it is identifiable.
5. He shall not use the said Excavator Machine for committing any other crime – personally or by any other person.

6. He shall produce the said Excavator Machine as and when ordered by this Court to do so; until the completion of trial.
7. This fact of interim - property return order be effected in the Court records and property register and below Exh.1 to facilitate further trial and final disposal orders at proper time.
8. Copy of this order to Murud police station for information, compliance and report – on or before next date while handing over the interim custody the PSO Murud – I.O. shall take photographs of the said Excavator Machine being handed to the applicant – accused in presence of panchas vide panchanama and its acknowledgment etc. as per law and submit the panchanama and photographs/copy to this Court with compliance report.

Alibag
Date :- 13.03.2026.

(Ms.Sunita Tiwari)
Additional Sessions Judge-2,
Raigad-Alibag.

CERTIFICATE.

I affirm that the contents of the PDF file Judgment are in verbatim as per original.

Name of Steno : Mr. L. R. Raut (Steno) (Gr-2)
Name of Court : District Judge-2, Raigad-Alibag.
Date of Order : 13.03.2026.
Order signed by PO on : 13.03.2026.
Order uploaded on : 13.03.2026.