

MHRG010002112026



ORDER BELOW EXHIBIT NO.1 IN VEHICLE RETURN APPLICATION
- Criminal M.A. No. 17/2026

Asif Abdul Shakoor Gite

Vs.

State

(Today dated 12.03.2026)

Perused the application filed by the applicant - accused for return of his TATA Dumper/Tipper bearing registration No. MH06/BD-0902 chassis No.MAT449019F2D06312 Engine No. B5.91803251D63434612 and TATA Dumper/Tipper bearing registration No.MH06/BD-0901 Chassis No. MAT449019F2D06563 Engine No. B5.91803251D63436426 seized in the C.R.No.7/2026 by Murud PS on the grounds that,

- He is the registered owner of the above vehicles as per the verified copy of his vehicle registration card at Exh.7 & 8 and his identity – verified copy of Aadhar card at Exh.9.
- The said vehicles were seized in above crime. Further the said vehicles are 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 vehicles 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 vehicles.

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 Dumper/Tipper 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 R.C. book of the said vehicles 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 Asif Abdul Shakoor Gite is entitled to interim custody of the said vehicle above on executing supurtnama and imposing following conditions. Hence, order infra.

ORDER

1. This application is hereby allowed.
2. **TATA Dumper/Tipper bearing registration No.MH06/BD-0902 chassis No. MAT449019F2D06312 Engine No. B5.91803251D63434612 and TATA Dumper/Tipper bearing registration No.MH06/BD-0901 Chassis No. MAT449019F2D06563 Engine No. B5.91803251D63436426 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.50,00,000/- (Rs. Fifty Lakhs Only) and executing undertaking to the effect that ;**
3. He will not part with the possession, ownership and use of the said vehicles 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 vehicles for committing any other crime – personally or by any other person.
6. He shall produce the said vehicles 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 vehicles 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 :- 12.03.2026.

(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 : Mrs. L. R. Raut (Steno) (Gr-2)
Name of Court : District Judge-2, Raigad-Alibag.
Date of Order : 12.03.2026.
Order signed by PO on : 12.03.2026.
Order uploaded on : 13.03.2026.