

MHRG010014352024



Special Case No.52/2024

State of Maharashtra
Vs.
Afroj Salim Shaikh

ORDER BELOW EXH.14

Applicant has filed this application for getting custody of seized scooter of Suzuki company Burgman Street model having registration No.MH/06/CJ-7257 seized by Revdanda police in crime No.118/2024.

2. The application is opposed by the ld.A.PP and the investigating officer by filing say. Heard both sides. Perused the documents. It is the contention of the applicant that he has registered owner of the seized scooter bearing registration No.MH/06/CJ-7257 and having no concerned with the alleged offence registered against the accused Afroj Salim Shaikh vide crime No.118/2024 and the said scooter is lying in open space at police station and likely to be damaged if remained idle for a long time.

3. As against this the ld.A.PP opposed the application on the ground that if the scooter is released the same will be used for committing similar nature of offence. The investigating officer has submitted that the scooter was used for commission of offence by the accused even though it may be given in the custody of applicant on conditions.

4. Applicant has produced on record verified copy of the registration certificate alongwith list Exh.18 which shows that he is registered owner of the scooter bearing registration No.MH/06/CJ-

7257 seized by the police in crime No.118/2024 which now converted into this case. In the F.I.R. it is alleged that the accused by coming on motorcycle without number put his motorcycle on road on the approach road of victim girls and made obscene gestures towards them and also used criminal force and outraged their modesty. In F.I.R. registration number of motorcycle is not mentioned even though police have seized the scooter of Suzuki company of model Burgman Street of the applicant in the alleged crime. Being motor vehicle there is every possibility of its getting damaged if remained idle at police station. The said scooter can be identified if photographs are placed on record and if directions are given to the applicant to produce the same as and when called by the court for evidence. Therefore application deserves to be allowed. Hence the following order.

Order

1. Application is allowed.
2. Seized scooter of Suzuki company of Burgman Street model bearing registration No.MH/06/CJ-7257 in crime No.118/2024 be given in the custody of applicant Mehenkesh Yogesh Wadkar on his furnishing bond of Rs.1,00,000/-(One Lakh) with condition that he shall not transfer the same till the disposal of the case and produce the same as and when called by the Court.
3. The investigating officer is directed to take the photographs of the motorcycle from all angles by preparing panchanama while handing over the same to the applicant and produced the same in the court.

Alibag

Dt. 13.02.2025

Sessions Judge, Raigad-Alibag.