



Order below Exh.1 in Misc. Cri. App. No.10/2026

- 1) Through this application, applicant Mr. Niyaz Mahamood Talib is praying for interim custody of seized muddemal i.e. Piaggio 3 wheeler (passenger) bearing registration number MH-06-BV-2247, Chasis no.MBX003YFW K734554 and Engine no.TBPAFKW3005620 which was seized in C.R.No.16/2026 by Mhasala police station for an offence punishable under section 132, 325, 3(5) of BNS, 2023, under section 5, 5A, 5B, 5C, 9, 9A of the The Maharashtra Animal Preservation Act, 1976, under section 11 of Prevention of Cruelty to Animal Act, 1996 and section 119 of Maharashtra Police Act, 1951. Applicant is accused no.1 in present crime.
- 2) I have called the Say of Investigating Officer and Ld. APP. The learned APP filed Say at Exh.6. The Investigation Officer failed to file Say. APP objected the said application.
- 3) It is the contention of applicant that, he is the permanent resident of village Warwatne, Mhasala. He is the owner of above vehicle. The above vehicle is used by him for his day to day earnings.
- 4) It is further contention of applicant that, being owner of said vehicle, he requires the same for day to day work. As the

said vehicle is kept with Mhasala Police Station, applicant is facing inconvenience and hardship. The investigation with respect to the said crime has been practically completed. There is no need to keep the said vehicle in the custody of said Police Station. Applicant being owner of the said vehicle is entitled to the custody of said vehicle. Applicant is ready to comply the terms and conditions that will be impose upon him. Applicant is further ready to furnish bond to the satisfaction of court. On the above reasons, he prayed to hand over the interim custody of said vehicle to him.

5) Investigation officer failed to file Say. As per FIR, on 08/02/2026 at about 07.55 AM, at the residential house of accused no.1 situated at Mhasala, accused persons in furtherance with their common intention slaughtered a prohibited cattle. Said vehicle was used in commission of said crime. Said vehicle is kept at police station.

6) APP filed Say at Exh.8. He submitted that, if the said vehicle is handed over to applicant/accused, the presence of said vehicle will not be secured during the trial. He also prayed to reject the application.

7) Heard both sides. Perused application, Say and Record. At this stage it will be relevant to take reference of the citation of Hon'ble Apex Court in the case of **Sundarabhai Ambala Desai Vs. State of Gujarat reported in AIR 2002 SCW**

5301, where it is directed to the Magistrates that,

“the vehicles lying at police station having no use there to be released as expeditiously as possible.”

8) In the present case, applicant came with the case that, he is the owner of the vehicle. Perusal of vehicle particulars, it transpires that, applicant is the owner of the said vehicle. The FIR and Say of APP shows that, vehicle is in the custody of IO. Applicant has demonstrated his ownership in regard to the vehicle. The possibility of damaging said vehicle cannot be ruled out. No purpose will serve by keeping said vehicle in police station. Further, apart from applicant no other person has claimed the custody of said vehicle. Consequently, I pass following order.

ORDER

| | |
|----|--|
| 1 | Application is allowed. |
| 2. | Interim custody of seized vehicle Piaggio 3 wheeler (passenger) bearing registration number MH-06-BV-2247, Chasis no.MBX003YFW K734554 and Engine no.TBPAFKW3005620 which was seized in C.R.No.16/2026 by Mhasala police station be given to the applicant upon executing indemnity bond (Supurtnama) of Rs.5,00,000/- (Rupees Five Lakhs only) on following conditions. |
| a. | The applicant shall not hand over possession of vehicle to third party nor alienate for change the outer appearance of vehicle till conclusion of trial. |
| b. | The applicant shall produce the vehicle in the Court as and when required. |

| | |
|----|---|
| c. | The applicant shall not use the said vehicle in any crime. |
| d. | PSO, Mhasala shall prepare Panchnama and take necessary photographs of said vehicle at the time handing-over its possession to the applicant on Suprutnama. |
| e. | PSO, Mhasala shall attach said Panchnama, photographs, indemnity bond (Supurtnama), its copies with original case papers of the said crime No.16/2026. PSO, Mhasala shall send the above all documents along with Charge-sheet. |

Date - 25/03/2026
Shrivardhan

(S. K. Shaikh)
Judicial Magistrate F. C.,
Shrivardhan