

MHRG140025992025



Other Misc.Cri.Appln/68/2025

**Rustum Balaji Gharjale Vs. Maharashtra State Through Uran
police station**

ORDER BELOW EXH-1

1. This is an application filed by the applicant/accused **Rustum Balaji Gharjale** under Section 503 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for the release of seized vehicles in Crime No. 292/2025 registered at Uran Police Station.

2. The applicant contends that he is the owner of two vehicles seized in the said crime: (i) White colour Mahindra and Mahindra Ltd. Bolero Pickup FB PS 107 T XL bearing Registration No. MH-46 BM 5007, Engine No. TNL 1J555317, Chassis No. MA1ZU2TNKL1J42066, valued at approximately Rs. 5,00,000/-, and (ii) White colour Mahindra and Mahindra Ltd. BOL MAXX PUP HD 1.7 LX bearing Registration No. MH-46 CL 4611, Engine No. TTP1L64728, Chassis No. MA1RA2TTKP1L90796, valued at Rs. 5,55,000/-. The applicant submits that the seized vehicles belong to him and are currently lying idle at the Uran Police Station, where they are exposed to weather conditions and are likely to turn into junk and become

useless. The applicant states that he is ready and willing to abide by all the terms and conditions imposed by this Court if interim custody is granted.

3. The Investigating Officer (I.O.) and the Learned Additional Public Prosecutor (APP) have filed their respective says strongly opposing the application. They contend that the applicant/accused is alleged to have committed serious offences punishable under Sections 3, 7, 8, and 10 of the Essential Commodities Act. The prosecution apprehends that if the vehicles are released, the accused might misuse them for the commission of similar offences.

4. The core issue for determination is whether the interim custody of the seized vehicles should be granted to the applicant pending the trial. Section 503 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides for the order for custody and disposal of property pending trial in certain cases. The Honourable Supreme Court in the landmark judgment of *Sunderbhai Ambalal Desai vs State Of Gujarat* (2002) has categorically laid down the guidelines for the release of seized vehicles. The Apex Court held that it is of no use to keep such seized vehicles at police stations for a long period, as they are likely to get damaged and turn into junk. The Magistrate should pass appropriate orders immediately by taking proper bond and guarantee as well as security for the return of the said vehicles, if required at any point of time. In the present case, the applicant is the registered owner of the seized vehicles. The vehicles are currently

parked at the Uran Police Station. If they are allowed to remain there for an indefinite period pending trial, they are likely to deteriorate, rust, and eventually become useless, thereby causing irreparable financial loss to the registered owner. The prosecution has raised objections highlighting the serious nature of the offences under the Essential Commodities Act and the apprehension of misuse of the vehicles for similar offences. While the apprehensions expressed by the Investigating Officer and the Learned APP are taken into consideration, keeping the vehicles idle to rot at the police station is not the appropriate remedy. The interests of the prosecution can be adequately safeguarded by imposing stringent conditions upon the applicant. By directing the applicant to execute an indemnity bond for the total value of the vehicles (Rs. 10,55,000/-), restraining him from changing the nature or title of the vehicles, and ensuring their production whenever required, the prosecution's concerns are sufficiently addressed. Furthermore, directing the I.O. to take detailed photographs and prepare a panchnama ensures that the evidentiary value of the vehicles is preserved for trial. Therefore, balancing the rights of the applicant with the interests of the prosecution, and adhering to the settled principles of law, it is just and proper to grant interim custody of the vehicles to the applicant subject to strict conditions. Hence, following order;

ORDER

1. This application is hereby allowed.

2. The interim custody of the seized vehicles, bearing Registration Nos. MH-46 BM 5007 and MH-46 CL 4611, be handed over to the applicant/registered owner on his executing an indemnity bond of Rs. 10,55,000/- (Rupees Ten Lakhs Fifty-Five Thousand only) with one solvent surety in the like amount.
3. The applicant shall not change the colour, shape, or identification marks of the said vehicles.
4. The applicant shall not transfer, sell, alienate, or create any third-party interest in the said vehicles until the conclusion of the trial.
5. The applicant shall produce the said vehicles before this Court or the Investigating Officer as and when directed at his own cost.
6. The Investigating Officer is directed to take detailed photographs of the vehicles from all angles and prepare a detailed panchnama of the vehicles before handing over their custody to the applicant.
7. In case of breach of any of the above conditions, the interim custody order shall stand automatically cancelled.

Date : 16.03.2026

S.P. Wankhade
Judicial Magistrate First Class,
Court No-1, Uran.