

: ORDER BELOW EXH.13 IN SPECIAL CASE NO.4/2026 :
(CNR No. MHRG15-000042-2026)
(Passed on 12.03.2026)

1) This is an application filed by applicant-accused **Mangesh Baburao Jawlekar**, for releasing the vehicle (Scooter) – bearing registration No.MH-06/CF-6081 - Suzuki Motorcycle India Pvt. Ltd. (make) Burgman Street BT (model) (For short, ‘the Two Wheeler’ also) on an interim custody. The vehicle has been seized in Crime No.138 of 2025 (Special Case No. 04 of 2026) for an offences punishable under sections 74, 75(1) and (2), 76, 351(2), 126(2) of the Bharatiya Nyaya Sanhita, 2023, and sections 10, 12 of the Protection of Children From Sexual Offences Act, 2012, registered with Shriwardhan Police Station.

2) It is contended that the applicant-accused is the registered owner of the Two Wheeler. It was seized by Shriwardhan Police Station in Crime No.138 of 2025. The said Two Wheeler is required for his day to day use and work purpose. If the said Two Wheeler remained idle at the Police Station, its condition will deteriorate, due to humid atmosphere of the Konkan region. Thereby the applicant will suffer loss. Therefore, the Two Wheeler may be released on indemnity bond in favour of the applicant.

3) Ld. APP filed the say (Exh.17) and opposed the application. It is contended that offence committed by the accused is of serious nature and said Two Wheeler is used in commission

of offence. It is prayed to reject the application.

4) Heard both the sides. The Ld. Advocate for the applicant Mr. V. U. Ghayal, and the Ld. A.P.P. Mr. J. D. Mhatre for the State, iterated their respective contentions.

5) Ld. Advocate for the applicant would submit that the applicant is registered owner of the Two Wheeler. The Investigation has been completed and charge-sheet is presented to the Court. It is submitted that considering the documents produced by the applicant, the above mentioned Two Wheeler may be released on an indemnity bond.

6) It is seen that the the applicant has produced verified copies of R.C. Book, Insurance Policy, his Driving Licence and Aadhaar Card. The application is supported by an affidavit. On perusal of said documents, it is seen that applicant is the registered owner of the Two Wheeler.

7) **The Hon'ble Supreme Court** in the case of **Sunderbhai Ambalal Desai vs State of Gujarat, [2002 (10) SCC]** has held, thus: *“It is of no use to keep such seized vehicle at the police station for a long period. It is for the Magistrate to pass appropriate order immediately by taking appropriate bond and guarantee as well as security for return of the said vehicle if required at any point of time. This can be done pending hearing of application for return of the vehicle.”*

8) In view of the ratio laid down (supra), and the fact that the Two Wheeler is lying idle and there are chances that it may lose its value, there is no hurdle in giving the interim custody of said Two Wheeler to the applicant.

9) All in all, it is a fit case to exercise the discretion to deliver the interim custody of the Two Wheeler to the applicant, subject to conditions which will be binding on her. Hence, the following order:

: O R D E R :

- 1) Application is allowed.
- 2) The the Two Wheeler (Scooter) – Suzuki Motorcycle India Pvt. Ltd. (make) Burgman Street BT (model) - bearing registration No.MH-06/CF-6081 (Engine No. AF216885962, Chassis No. MB8EA11DLM8258514) be delivered as an interim custody till disposal of the trial or until further order of this Court, subject to the following conditions:
 - (i) The applicant-accused **Mangesh Baburao Jawlekar** is directed to execute indemnity bond for Rs.1,00,000/- (Rs. One lakh only).
 - (ii) The Two Wheeler shall not be used in commission of any crime.
 - (iii) The applicant is further directed as not to dispose of

the Two Wheeler in any manner either by way of sale, gift, till disposal of the trial or until further order.

- (iv) He is further directed not to change the nature, even colour of the Two Wheeler and to maintain its identity.
- (v) The I. O. is directed to draw the proper panchanama of the delivery of the Two Wheeler as duly attested by the applicant and two other witnesses accompanied with the photographs of the Two Wheeler from different angles.
- (vi) The engine number and the chassis number necessary to be mentioned in the said panchanama.
- (vii) The I. O. is further directed to inform about this order to the R.T.O., Pen-Raigad.
- (viii) The applicant is further directed as to produce the Two Wheeler as and when directed by this Court or any other Superior Court in respect of the inquiry or trial of this crime.

Mangaon.
Date: 12.03.2026.

(S. T. Bhalerao)
Special Judge, Mangaon
Dist. Raigad.