

: ORDER BELOW EXH.17 IN SPECIAL CASE NO.13/2025 :
(CNR No. MHRG15-000227-2025)
(Passed on 27.01.2026)

1) This is an application filed by applicant **Jotsna Ganesh Padval**, for releasing the Two Wheeler (Scooty) bearing registration No.MH-06/CC-4371 on interim custody. The vehicle has been seized in Crime No.2 of 2025 (Special Case No. 13 of 2025) for an offences punishable under sections 64(1), 65(2), 74, 75(1), 115(1)(e), 117(1), 352, 351(2)(a), 126(2), 127(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, and sections 4, 6, 8, 12 of the Protection of Children From Sexual Offences Act, 2012 registered with Roha Police Station.

2) It is contended that she is the registered owner of Scooty bearing registration No.MH-06/CC-4371. The said vehicle is seized by Roha Police Station in Crime No.2 of 2025. The said vehicle is required for day to day use. If the said vehicle remained idle in Police Station, its condition will deteriorate, due to atmosphere, thereby she will suffer loss. Therefore, the vehicle may be released on indemnity bond in favour of the applicant.

3) Ld. APP filed the say (Exh.24) and opposed the application. It is contended that offence committed by the accused is of serious nature and said vehicle is used in commission of offence. If said vehicle is given in the interim custody of applicant, there is possibility that she will change its nature and/or will

dispose of it. It is prayed to reject the application.

4) Heard both the sides. The Ld. Advocate for the applicant Smt. M. N. Manohar, and the Ld. APP for the State, iterated their respective contentions.

5) Ld. Advocate for the applicant would submit that the applicant is registered owner of Scooty bearing registration No.MH-06/CC-4371. The Investigating Officer has completed the investigation and has presented charge-sheet to the Court. If the said vehicle remained idle without any care, then it will deteriorate. It is submitted that considering the documents produced by the applicant, the above mentioned vehicle may be released on indemnity bond.

6) It is seen that the the applicant has produced verified copies of R.C. Book 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 - Scooty bearing registration No.MH-06/CC-4371.

7) The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs State of Gujarat reported in [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 said Two-wheeler (Scooty) bearing registration No. MH-06/CC-4371 is lying idle and there are chances that it may lose its value, there is no hurdle in giving the interim custody of said vehicle 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 (Scooty) 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 Two Wheeler (Scooty) bearing registration No. MH-06/CC-4371 (Engine No. AF216416630, Chassis No. MB8EA11DJL8134108) 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 **Jotsna Ganesh Padval** is directed to execute indemnity bond for Rs.70,000/- (Rs. Seventy thousand only).

- (ii) The vehicle shall not be used in commission of any crime.
- (iii) The applicant is further directed as not to dispose of the vehicle in any manner either by way of sale, gift, till disposal of the trial or until further order.
- (iv) She is further directed not to change the nature, even colour of the vehicle and to maintain its identity.
- (v) The I. O. is directed to draw the proper panchanama of the delivery of the vehicle as duly attested by the applicant and two other witnesses accompanied with the photographs of the vehicle 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 vehicle as and when directed by this Court or any other superior Court in respect of the inquiry or trial of this crime.

Mangaon.
Date: 27.01.2026.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist.Raigad.