

**: ORDER BELOW EXH.16 IN SESSIONS CASE NO.41/2022 :**  
**(CNR No. MHRG15-000414-2022)**  
(Passed on 07.03.2025)

1) The present application is filed under section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking custody of Hero Splendor motorcycle bearing registration No.MH-12/PG-0556, seized in Crime No.43/2022 registered with Mahad MIDC police station.

2) The applicant contended that Hero Splendor motorcycle bearing registration No.MH-12/PG-0556 is seized by Mahad MIDC Police in Crime No.43/2022 registered for the offence punishable under section 302 r/w. section 34 of Indian Penal Code.

3) He further contended that he is registered owner of said vehicle. He is in jail. The said vehicle is required for the day-to-day use of his family members. If said vehicle is kept lying in idle condition at Police Station, its condition will deteriorate and he will suffer irreparable loss. He prayed that the custody of said Hero Splendor motorcycle bearing registration No.MH-12/PG-0556, be given to his son Kamalesh Kuchekar.

4) The Ld. A.P.P. filed his say at Exh.23. He contended that said motorcycle has been seized by Police in crime No.43/2022 from accused. The said vehicle is used in the offence. Therefore the said vehicle is necessary for the purpose of

evidence. He further contended that if the custody of vehicle is given to the son of applicant/accused, he will change the nature of vehicle and will not produce the same before Court during trial. He prayed that the application be rejected.

5) Heard Ld. advocates appearing for parties.

6) On perusal of material available on record it appears that the applicant/accused had annexed the copy of Vehicle Particulars issued by R.T.O. Office, alongwith the application. It shows that applicant/accused no.1 Shailesh Babu Kuchekar is the registered owner of said Hero Splendor motorcycle bearing registration No.MH-12/PG-0556.

7) The Hon'ble Supreme Court in **Sunderbhai Ambalal Desai vs State Of Gujarat reported in [2002 (10) SCC]** has held that, "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) Therefore, taking into consideration the law laid down by the Hon'ble Supreme Court and the facts that, applicant is registered owner of said motorcycle, he is in jail, there is no hurdle in giving the interim custody of motorcycle to the son of

applicant. Hence I proceed to pass following order :-

**: O R D E R :**

- 1) The application is allowed on following conditions :-
  - (i) Son of applicant/accused no.1 Shailesh babu Kuchekar i.e. **Kamalesh Shailesh Kuchekar** shall furnish Supurtanama bond of Rs. 1,00,000/- (Rs. One lakh only).
  - (ii) **Kamalesh Shailesh Kuchekar** shall not use said vehicle i.e. Hero Splendor motorcycle bearing registration No.MH-12/PG-0556 for any illegal purpose.
  - (iii) **Kamalesh Shailesh Kuchekar** shall not change the nature of vehicle and shall not transfer the vehicle to anyone and shall produce the vehicle as and when required during the course of trial.
  - (iv) After furnishing the bond, the Investigation Officer of Mahad MIDC Police Station in C.R.No.43/2022, is directed to handover the custody of Hero Splendor motorcycle bearing registration No.MH-12/PG-0556 to **Kamalesh Shailesh Kuchekar**, son of applicant/accused no.1 Shailesh babu Kuchekar, after verifying the insurance policy of said vehicle and if the vehicle is found non-insured, he will get it insured from applicant before releasing it.

(v) Issue letter accordingly to concerned Police Station.

(Dictated and pronounced in open Court)

Mangaon.  
Date : 07.03.2025.

(H. K. Bhalerao)  
Additional Sessions Judge,  
Mangaon-Raigad