



Spl. Case No.32/2022
The State of Maharashtra
Vs.
Jitendra Dilip Khot and Anr.
CNR No.MHRG150006212022

:: ORDER BELOW EXH.6 ::
(Passed on 27th December, 2022)

1. The present application is filed u/s.457 of Cr.P.C. for return of TVS Jupiter Motorcycle bearing registration No.MH06/CB-1165.

2. The applicant contended that TVS Jupiter Motorcycle is seized by Shriwardhan Police in crime No.98/2022 registered for the offence punishable under Section 452, 363, 324, 323, 504, 506 r/w. Section 34 of Indian Penal Code and under Section 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further contended that he is the owner of said motorcycle and he requires said motorcycle for his day to day use. He prayed that the custody of said motorcycle be given to him.

3. The Ld. A.P.P. filed his say at Exh.7. He contended that the offence committed by the applicant is serious in nature. The said vehicle was used by the applicant in said

crime and if the custody of vehicle is given to applicant. There are chances that he may change the colour and nature of vehicle. The applicant may also use said vehicle in another crime. He prayed that the application be rejected.

4. Heard Ld. advocates appearing for parties.

5. On perusal of material available on record it appears that vehicle bearing registration No.MH-06/BM-5677 is seized in the present offence. The Investigation Officer has filed charge-sheet against the applicant. The said vehicle is lying idle at Police Station. It is settled position of law that the vehicle should not be kept idle at Police Station and should be return to its register owner. The applicant is the register owner of said vehicle. Therefore he is the proper person to have the custody of said vehicle. Hence I proceed to pass following order.

ORDER

1.	The application is allowed on following conditions-
(i)	Applicant shall furnish Supurtanama bond of Rs. 1,00,000/- (Rupees One Lakh Only).
(ii)	Applicant shall not use said vehicle i.e. TVS Jupiter motorcycle bearing registration No.MH06/CB-1165 for illegal purposes.

(iii)	Applicant shall not change the nature of vehicle and not transfer the vehicle to anyone and shall produce the vehicle as and when required during the course of trial.
2.	After furnishing the bond, the Investigation Officer of Shriwardhan Police Station in C.R.No.98/2022 is directed to handover the custody of motorcycle bearing registration No.MH06/CB-1165 to the applicant after verifying the insurance policy of said vehicle.
3.	The Investigation Officer shall verify the Insurance Policy before releasing the motorcycle.
4.	Issue letter accordingly to concerned Police Station.

Mangaon.
Dt.: 27/12/2022

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