

MHRT010010382019



Order passed below exh.99 in Sessions Case No.68/2019

1. Applicant Vijay Sakharam Sangare has filed this application for granting interim custody of a motor cycle of Hero Honda company CBZ extreme bearing registration No.MH-08-X-9933 under section 451 of Code of Criminal Procedure.

2. Facts of the case are as under :

Applicant Vijay Sakharam Sangare is the owner of motor cycle of Hero Honda company CBZ extreme bearing registration No. MH-08-X-9933. His vehicle was seized in C.R.No.62/2019 of Ratnagiri Rural Police Station, whereby offence under section 302, 341,34 of Indian Penal Code, under section 3/25 of the Arms Act and section 135 of The Maharashtra Police Act 1957 was registered against accused Rishikesh Vijay Sangare, Sandipkumar Chhotelal Yadav and Chandankumar Shrirajmangal Prasad Kushawaha. For getting interim custody of said vehicle, application has been filed before this trial Court.

3. Heard Adv.P.P.Nene for the petitioner and APP Shri. P.S.Shetye for the State. Perused the title documents produced alongwith application.

4. Petitioner is the registered owner of the vehicle, is not a disputed fact. Moreover, copy of Registration book is also filed on record to substantiate this fact. I rely on the precedent of **Hon'ble Supreme Court** in the matter of Sunderbhai Desai Vs. State of Gujarat [Criminal No.2745 of 2002 date of judgment: 01/10/2002] wherein it is observed that section 451 empowers the court to pass appropriate interim orders with regard to the property. Hon'ble Supreme Court has further observed that in the police station number of

vehicles are kept unattended and vehicles become junk day by day.

5. In present case, situation indicates that applicant is the registered owner of the vehicle. Accused No.3 by filing say on application itself declared that he is not concern with the said vehicle. Accused No.1 and 2 (say exh.104, 108) have no objection to release the vehicle. Say of Public Prosecutor and Investigation Officer is called. Public Prosecutor (Exh.102) and Investigating officer (Exh.103) have objected the release of vehicle by their abovementioned respective says. However their objection is not well founded. Considering all such aspects, I hold that unnecessary detention of seized vehicle is improper. I pass following order.

ORDER

1. Application is allowed.
2. Seized vehicle i.e. motor cycle of Hero Honda company CBZ extreme bearing registration No. MH-08-X-9933 be handed over to the applicant Vijay Sakharam Sangare on furnishing bond of Rs.1,00,000/- (Rs. One lakh only) subject to condition that, petitioner shall not allow anybody to use this vehicle in any other crime and he shall produce the vehicle in the Court as and when required and he shall not alienate the same, till conclusion of trial.
3. Bond to be furnished before Investigating Officer. Investigating Officer shall submit the same in this Court.

(Dictated and pronounced in open Court.)

Date :23/11/2021

(L.D.Bile)
Additional Sessions Judge
Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Sessions Case No.68/2019
Name of Stenographer	:-	Mrs.V.S.Kulkarni.
Name of Court	:-	Additional Sessions Court, Ratnagiri.
Dictated on computer by the P.O.on	:-	23/11/2021
Order signed by the P.O. on	:-	24/11/2021
Order digitally signed by the P.O. on	:-	24/11/2021
Order uploaded on	:-	24/11/2021