

ORDER BELOW EXH. 75 IN SPECIAL CASE NO. 10 OF 2021

(Passed on 12.06.2026)

This application is for return of property seized by police i.e. motorcycle Honda CB Shine bearing No.MH-08/AV-5098 during the pendency of the trial.

2. As per the applicant police seized the said motorcycle in the offence under section 420, 406 r/w 34 of IPC and section 4 of MPID Act. It is in the police station. The applicant/accused is owner of the same and required the said motorcycle for his use. Hence he prayed for interim custody.

3. The Investigating Officer filed reply at Exh.83 and gave no objection subject to conditions.

4. I heard learned Advocate for applicant/accused and APP. Perused the documents.

5. As per the prosecution the offence committed between 10.02.2020 to 10.02.2021. The RC Book shows that the vehicle was registered on 19.01.2020 i.e. prior to commission of offence. Hence the motorcycle can be given in interim custody to the applicant/accused in view of judgment of the Hon'ble Supreme Court in the matter of **Sunderbhai v/s. State of Gujarat reported in AIR 2003 SC 638**. hence I proceed to pass following order.

ORDER

1. Application is allowed.
2. The motorcycle Honda CB Shine bearing registration No.MH-08/AV-5098 be given in interim custody of applicant/accused till final decision of the case subject to furnishing indemnity bond of Rs.60,000/- and subject to following conditions:
 - a) The applicant shall not alienate, gift, hypothecate or create any kind of transfer over the aforesaid motorcycle till conclusion of trial.
 - b) The applicant shall not change its colour, registration number, engine number, chasis number or identity in any manner until further order.
 - c) The applicant shall produce the same before the Court as and when directed by the Court.
 - d) The investigating officer is directed to snap two colour photographs of the vehicle at the costs of the applicant and shall prepare panchanama of said vehicle in presence of two panchas and accept supurtanama and shall produce those photographs, documents and supurtanama before the Court positively within 15 days from the compliance by the applicant.
 - e) Bond before the investigating officer.
 - f) Inform the concerned investigating officer and police station.

Place: Chiplun

(D. B. Mhalatkar)

Date: 12.06.2026

Judge Special Court Chiplun

Case No. MPID No.10/2021 (Order Below Exh.75)

I affirm that the contents of this pdf file order are same word as per original order.

Name of Grade I Stenographer : Sandeep S. Patil

Court Name : Judge, Special Court Chiplun

Date of Decision : 12.06.2026

Order Signed by P.O. on : 12.06.2026

Order uploaded on : 12.06.2026