



ORDER BELOW EXH.4

1. The Advocate of applicant has filed this application for interim custody of muddemal property i.e. CB Unicorn motorcycle bearing No. MH-07/AE-2226, seized in Crime No. 261/2020, by Kudal police station for offence under Section 354A, 354D(2), 504, 506, 507 of Indian Penal Code, 1860 and Section 7, 11(4)/12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. Say of Spl. P.P. and I.O. was called for. Spl. P.P. has given say behind the said application resisting it. I.O. has given say at Exh.9 resisting the application.
2. Heard Adv. U. S. Sawant for the applicant and Spl. P.P. Rupesh Desai for the State. It is the contention of Advocate of applicant that applicant Pranit Prakash Adelkar is the owner of the said vehicle and uses it for his day to day work and conveyance. If the vehicle is kept in police station without any use, it will be damaged by rust. The applicant is ready to abide by the conditions that may be imposed upon him. He prayed for grant of application on conditions.
3. The Investigating Officer resisted the application on the ground that the vehicle has been seized in C.R. No. 261/2020 and said vehicle was used by applicant i.e. accused in commission of offence. Spl. P.P. submitted that vehicle is important piece of evidence and would be required at the time of trial. If said vehicle is released on *Supurtnama*, there is every possibility of its non-production at the time of trial. They prayed for rejection of the application.
4. Advocate of the applicant has relied on *Sunderbhai Desai V/s State of Gujrat AIR 2003 S.C. 638*, wherein it was held that powers U/s.451 of the Code of Criminal Procedure, 1973 should be exercised expeditiously. The Court has to pass appropriate order immediately and articles are not to be kept for

long time at police station, for not more than 15 days to one month. In the present matter, the vehicle was seized on 27/12/2020. More than 1 year has passed since then. If the vehicle remains idle at police station it will get damaged. As the facts of the two cases are similar the ratio is applied.

5. Perused record. R.C. book of motorcycle bearing No. MH-07/AE-2226 at Exh.6/1 shows the name of owner as Pranit P. Adelkar i.e. the applicant. There is no propriety in keeping the said vehicle at police station. Certain terms and conditions can be imposed while granting interim custody to ensure fair trial. Upon perusal of copy of insurance policy at Exh. 6/2 it is seen that the value of the motorcycle is shown as Rs.54,000/-. Thus, said vehicle can be released on certain terms and conditions on executing indemnity bond of Rs. 60,000/- (Rupees Sixty Thousand only) to ensure production of said vehicle as and when required. Hence, the order-

ORDER

1. The application is allowed.
2. The muddemal property i.e. Honda CB Unicorn, bearing No. MH-07/AE-2226, seized in Crime No. 261/2020, by Kudal Police Station, be handed over to the applicant Pranit P. Adelkar, on his executing an Indemnity Bond of Rs.60,000/- (Rupees Sixty Thousand Only) on following conditions :-
 - (a) The applicant shall not change the nature, condition and colour of the said vehicle till conclusion of trial.
 - (b) The applicant shall not sale, transfer or alienate the vehicle till conclusion of trial.
 - (c) The applicant shall produce the vehicle before the Court or Investigating Officer as and when directed.
 - (d) The applicant shall not use the vehicle in commission of any offence.

3. I.O. is directed to take photographs of the vehicle, prepare panchanama and hand over the motorcycle bearing No. MH-07/AE-2226 to the applicant Pranit P. Adelkar on due identification.
4. Issue letter to Kudal police station accordingly.

Date : 15/03/2022
Place : Sindhudurg

Additional Sessions Judge,
Sindhudurg-Oros