

ORDER BELOW EXH.04

(State of Maharashtra Vs. Irfan Shaikh)

1. The applicant has filed this application for interim custody of the muddemal vehicle Bajaj Auto rickshaw, bearing No.MH07/AH/1380, seized in Kankavli Police Station Crime No.339/2022, by Kankavli Police Station for offence under Section 307, 326, 324, 323, 504 of Indian Penal Code.
2. Read the application and the say filed by the Investigating Officer at Exh.7. The Investigating Officer has raised objection to hand over the custody of muddemal vehicle to the applicant.
3. Heard learned advocate Prajakta Shinde for the applicant and the learned A.P.P. G.M. Todkari.
4. On perusal of record it appears that applicant has produced copy of registration certificate of the muddemal vehicle, which shows that, the name of applicant is recorded as registered owner of the vehicle. So, it appears that seized vehicle i.e. Auto rickshaw bearing registration No.MH07/AH/1380 is owned by applicant, who is not accused in the present crime. It further appears that if the Auto rickshaw is kept in police station without any use, it will be damaged, which is used by applicant for his livelihood. Admittedly, investigation is completed and the charge-sheet is filed.
5. It appears that except the applicant, no one has claimed custody of the vehicle. It appears that no fruitful purpose would be served by keeping the Auto rickshaw in idle

Sessions Case No. 10 of 2023
CNR MHSI01-000279-2023

condition. Considering all the facts and circumstances applicant is entitled for the interim custody of the vehicle on certain conditions. Hence, I proceed to pass the following order.

ORDER

1. Application is allowed.
2. Muddemal vehicle i.e. Bajaj Auto rickshaw, bearing No.MH07/AH/1380, seized in Kankavli Police Station Crime No.339/2022, by Kankavli Police Station for offence under Section 307, 326, 324, 323, 504 of Indian Penal Code, be handed over to the applicant **Subhash Vitthal Malandkar** R/o. Warvade Ghadiwadi, Tal. Kankavli, on his executing an Indemnity Bond of Rs.1,00,000/- (Rs. One lakh Only).:-
- 3) Applicant shall not dispose of the vehicle by any mode or manner during pendency of case.
- 4) Applicant shall produce the muddemal vehicle before the Court or Investigating Officer, as and when directed.
- 5) Before granting the interim custody of the vehicle to the applicant, the concern police officer shall take the photographs of the muddemal vehicle and costs of the same will be borne by applicant.
- 6) Inform the concerned police station accordingly.

Sindhudurg
DATE - 28/03/2023

(S.J. Bharukha)
Sessions Judge,
Sindhudurg-Oros.