

Cri. M.A 01/2026

Rahul Janrao Sahare

Vs.

State of Maharashtra

ORDER BELOW EXH.1:

1. This is an application under Section 503 of the BNSS, 2023, for return of two wheeler of **TVS Motor Company Ltd.**, model **TVS APACHE RTR200 4V** of **Black color** bearing Registration No. **MH-27-DR-7471**, registered on **20/05/2024**, Engine No.**DT1DR 2200082**, Chassis No. **MD637ET18R2D00120**, which is seized in **Crime Register No. 296/2025** registered with Police Station, Sanjaynagar, Sangli for the offence punishable **Under Section 379 of Indian Penal Code** against the applicant. (Hereinafter referred to as **Seized Property**.)
2. The application is supported by affidavit of applicant, verified copies of FIR, Vehicle RC Book and Aadhar card of applicant.
3. The learned Advocate for applicant submitted that, applicant is the owner of seized property. He requires said seized vehicle for his daily work. If said seized motorcycle is kept lying idle in police station for long time, it may cause damage to the same. Hence, applicant prayed to hand over custody of seized property to him on suprutnama. Applicant is ready to abide all the conditions imposed by this Court. Hence, present application be allowed.
4. Perused the say of Investigation Officer and Ld. A.P.P. It is submitted by I.O. that applicant is the owner of seized property. Therefore, he has no objection to release seized property on

conditions and indemnity bond. The Ld. APP for the State submitted that seized property was used by applicant in commission of crime. If it is released, applicant may misuse the same for commission of crimes again or destroy it. Hence, present application be rejected.

5. Heard both the sides and perused records. R.C. book prima facie shows that, applicant is the registered owner of said vehicle. There is no other claimant. No purpose would be served in keeping the seized property in police station without proper care and caution.
6. Further, Hon'ble Supreme Court of India has held in case of **Sunderbhai Ambala Desai V/s State of Gujrat, reported in A.I.R., 2003, S.C. 638**, that, *the vehicles will have to be released and there is no reason to keep them in police station for a longer period*. Having considered the fact that, it prima facie appears that, applicant is a registered owner of above mentioned seized vehicle; it deserves to be released by imposing precautionary and necessary conditions.
7. Furthermore, the trial will take its own course to get completed, till then it will be unjust to detain the property. As, the applicant prima facie being registered owner of the seized property, he is entitled for interim custody of seized property. Accordingly, I proceed to pass following order.

ORDER

1. Application is allowed.
2. Interim custody of seized vehicle two wheeler of TVS Motor Company **black color** bearing Registration No.**MH-27-DR-7471**, Engine No.**DT1DR2200082**, Chassis No.**MD637ET18R 2D00120**, seized in **Crime Register No.296/2025** registered with Police Station, Sanjaynagar Sangli for the offence punishable **Under Section 379 of the Indian Penal Code** be handed over to the applicant, till conclusion of the trial, on applicant executing indemnity bond of Rs. 1,50,000/- (**Rs. One Lakh Fifty Thousand**) on following conditions.
3. The applicant to undertake that **he will not use the said seized vehicle for any illegal activities, in whatsoever manner**. Further, the applicant to undertake that shall not sell, transfer or create any third party interest over the seized vehicle while in his custody, without the prior permission of the Court.
4. The applicant to maintain and preserve the seized vehicle in all respects. He shall not change nature of the seized vehicle while in his custody.
5. The applicant shall produced seized vehicle in the court as and when directed by this Court or higher court of this Court.
6. Investigating Officer, is directed to prepare detail panchanama and take two colored photographs which clearly shows registration number of the said vehicle and duly signed photographs by the applicant and I.O.

or P.S.O. and the said panchanama and photographs be placed on record along with charge sheet.

7. The Investigation Officer is directed to hand over interim custody of aforesaid seized vehicle only after due verification of insurance paper of the seized vehicle.

Place:Sangli
Date: 07/07/2026

(P. N. Gosavi)
5th Jt.C.J.J.D & J.M.F.C.,Sangli