

MHSN060007242026	Cri.M.A.No.57/2026 Smt.Hajubu Mastansab Sayyad Vs. State of Maharashtra
	

ORDER BELOW EXH. 1

1. By virtue of this application, the applicant is claiming interim custody of the Mahindra Bolero Pickup vehicle bearing registration No. KA-23-B-3845 having chassis number MA1ZU2TNKL6F88703, engine number TNL4F79779 seized in Crime No. 8/2026 of Miraj Rural Police Station.

2. The contention of the applicant is that she is the owner of the vehicle in question and it was seized by above said Police in Crime no. 8/2026. It is required to her for her daily use. If the vehicle in question is kept idle at Police Station, there is every possibility of its damage. On these counts, the applicant has claimed the interim custody of the vehicle in question.

3. The I.O. and learned APP have filed their say at Exh.5 and Exh.6 and objected the application on the ground that if the vehicle is returned to the applicant there is a possibility that she will sell or transfer the said vehicle as well as change the nature and colour of the vehicle. There is also possibility that, the said vehicle will be used for commission of similar type of offence. Therefore, they prayed that application be rejected.

4. Heard both sides. Perused record.

5. In this context, I referred by the decision of the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat**, reported in **(2002) 10 Supreme Court Cases 383**. If the said muddemal is kept in the police station in idle condition, it will cause damage to it and it will be of no use and no purpose would be served by keeping the said muddemal in the idle condition in police station. It is expedient to hand over the interim custody of said muddemal to the person entitled.

6. The applicant has placed on record the copy of F.I.R. vide C.R. No. 06/2026, copy of R.C. Book of said vehicle and copy of Adhar card of applicant. Perusal of these documents, support the contention of the applicant about her ownership in respect of the vehicle in question. While looking at the nature of the case, it appears that the vehicle in question is not the evidence which is required to be led at the trial. In all these circumstances, it will be just and proper to release the interim custody of the vehicles in favour of the applicant till disposal of the case. Hence, following order-

ORDER

1.	The application is allowed.
2.	The applicant shall execute Indemnity Bond of Rs.2,00,000/- with the condition that she shall not create any third party interest by way of alternation, alienation, shall not change the nature, color of the said vehicle till conclusion of trial.
3.	The investigating Agency directed to draw photographs of seized Mahindra Bolero Pickup vehicle bearing registration No. KA-23-B-3845 and prepare panchnama to that effect and file it along-with charge-sheet.
4.	The applicant shall produce the above vehicle as and when called by the Court.
5.	The concerned officer of Miraj Rural Police Station is hereby directed to release the aforesaid seized vehicle on receipt of release letter from the Court.
6.	Copy of this order be kept along-with the remand papers of C.R.No.8/2026.
	(Pronounced in open Court)

Place:Miraj.
Date :25.03.2026.

(Smt.P.D.Gaikwad)
Judicial Magistrate First Class,
Miraj.