

MHSO010004822023



S. C. No.62/2023

Order passed below Exh.36

Decided on 20.09.2023

1 This application is filed under Section 451 of the Code of Criminal Procedure for releasing of two wheeler bearing No.KA-28-HD-2045, chasis M5WBDGBDEN1114104, Engine No.BDG314104, model IPRAISE+ vehicle was seized in Crime Bearing C.R. No.609/2022 by police of South Akkalkot Police Station, Solapur.

2 It is contention of the applicant that, he is registered owner of the said two wheeler. The concerned police have submitted charge-sheet in the Court. The said two wheeler is in regular use of the applicant. It is remained idle in the police station, which may cause damage to its electrical parts. The said two wheeler is only object of his day to day use. There is also possibility of rusting of the parts of the two wheeler. He is ready to produce the vehicle before Court as and when required. He is also ready to execute and submit indemnity bond before Court. He prayed to release the above said vehicle.

3 Learned A.P.P. filed say Exh.39 contending that, the vehicle is used in serious offence. If the vehicle is released, the applicant will change its nature and identification. Learned APP strongly objected the application. He prayed to reject the application. Lastly, he submitted that if this court comes to conclusion to release the said two wheeler then necessary conditions may be imposed to secure evidence of prosecution.

4 Heard learned Advocates for both sides.

5 It appears from the contents of FIR that, present two wheeler came to be seized by the concerned police in C.R. No. 609/2022 for the offences punishable under sections 307, 326, 324, 341, 506, 143, 145, 147, 149 of IPC. Since then, said vehicle is lying idle and unattended in the police station. The applicant has filed on xerox copy of certificate of registration of the two wheeler, which shows that, he is registered owner of said two wheeler. Present applicant is arrayed as accused No.3. The applicant is ready to abide by the conditions that may be imposed by this Court. If the two wheeler in question will remain abandoned in the police station, there is every possibility that, due to non-use, the electric spare parts and tyres of the vehicle will get damaged. In these circumstances, it is not desirable to keep the two wheeler in idle condition in the police station. So far, objection of learned APP is concerned, it can be taken care of by imposing certain conditions. Hence, I pass following order.

ORDER

- 1] The application Exh.36 is allowed.
- 2] The two wheeler bearing No.KA-28-HD-2045, chasis M5WBDGBDEN1114104, Engine No.BDG314104, model IPRAISE+ seized in Crime bearing C.R. No.609/2022 registered with Akkalkot South Police Station, Akkalkot be given in the custody of the applicant namely Mahesh Suryakant Zalki, R/o. Sindgi, Dist. Vijaypur subject to conditions that -
 - a) The applicant to execute Indemnity Bond of Rs.1,00,000/- (Rs. One lakh only) and submit it before this court.
 - b) The applicant shall not change the nature and identity of the said two wheeler in any way till conclusion of the trial.

- c) The applicant shall not create third party interest in the two wheeler in any manner till conclusion of the trial.
 - d) The applicant shall produce the said two wheeler as and when required and ordered by the Court.
 - e) The applicant shall not use the two wheeler or let it be used in any crime.
- 3] The Investigating Officer is directed to obtain photographs of the said two wheeler in question for its proper identification showing its condition as on the date of giving it to the applicant.
- 4] The concerned officer of Akkalkot South Police Station, Akkalkot /Investigating officer shall prepare detailed panchanama of the proceedings before handing over the two wheeler in question to the applicant.

Date – 20.09.2023

(Smt. I. A. Shaikh / Nazir)
Additional Sessions Judge, Solapur

CERTIFICATE

I am affirm that the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer	: S.A.B. Shaikh, Steno
Court	: Addl. Sessions Judge, Solapur.
Order of Date:	: 20.09.2023.
Order signed by the	
Presiding Officer.	: 20.09.2023.
Order uploaded on	: 29.09.2023.