

MHSO050008472026



Session Case No.69/2025

State of Maharashtra

Versus

Navnath Bhagwan Atkale

ORDER BELOW EXH. 79

1 This application seeking interim custody of Two wheeler vehicle Hero Motors Splendor Pro. Cast Self bearing Registerd No. MH-13-B-L-5229 with engine number HA10ELDHE39694 and Chasis No.MBLHA10ASDHE33777 seized by Pandharpur City Police station in Crime No.207/2025 for the offence punishable under Sec.103(1), 238, 49, 61, (2) and 3(5), of BNS. (hereinafter referred as seized vehicle).

2 The applicant Navnath Bhagwan Atkale contended that he is owner of the seized vehicle, it was in his day to day use before its seizure. That after completion of investigation, police do not required the vehicle for further investigation. The value of the vehicle will depreciate day by day if it is kept lying in the police station without its use. Therefore, the applicant claimed interim custody of the seized vehicle.

3 Application is supported with affidavit and verified copy of Adhar Card and Insurance Cover Note, Copy of Particulars of vehicle in question, these documents prima facie establishes that present applicant is owner of the vehicle in question.

4 The learned APP raise objection to the application that if the seized vehicle release in the custody of applicant, he may change its nature and which will be harmful for prosecution during trial.

5 The application and documents relied on by the applicant, prima facie reveals that applicant is having ownership and possessory rights over the seized property.

6 The objection for release is on point of requirement of the property during trial for identification can not be a only criteria to reject the prayer of the applicant as it will diminish the value of the property, if kept lying in the police station. The possibility of change of nature of property can be taken care of by imposing terms and conditions. The contention of the applicant needs to be taken care of that he is ready to under take not to change the nature of the property till final decision of trial. It is to be noted that, the Hon'ble Apex Court in the case of ***Sundarbhai Ambalal Desai Vs. State of Gujarat AIR 2003 SC 638*** has laid down that, “when the vehicle is seized in connection with any offence, the vehicle be released expeditiously”.

7 In this backdrop, I am of the view that, there exists no justified reasons for rejection of claim of the applicant and if, it is so done, it will not serve any purpose, as the nature of the property will keep changing even if, it is kept lying in the police station and in that case, it will not be in the interest of either of the applicant or the State. Hence, the order.

ORDER

- 1 Application No. 79 is allowed.
- 2 Interim custody of vehicle Two wheeler vehicle bearing MH-13-B-L-5229 having its engine number HA10ELDHE39694 and Chasis No. MBLHA10ASDHE33777 seized in Crime No.207/2025 registered at Pandharpur City police be given to the applicant Navnath Bhagwan Atkale on executing Indemnity bond of Rs.1,00,000/- (Rs.Three Lakh) subject to following conditions that :
 - a) The applicant shall furnish 'Supurtnama' in the sum of Rs.1,00,000/- before Investigating Officer of City Police Station, Pandharpur with condition that, he shall produce the seized vehicle in question before this Court during pendency of trial as and when directed.
 - b) The applicant shall not sale, mortgage, transfer or dispose of the seized vehicle in question in any manner and shall not make any change in its body, colour, chassis number and engine number.

- c) The Investigating Officer is directed that before interim custody of the seized vehicle in question is handed over to applicant, colour photographs of cabinet size from different angles indicating registration number and other particulars of the seized vehicle in question shall be kept on file at expenses of the applicant.
- d) The applicant shall not use vehicle in question for illegal activity.

Date : 27.07.2026

(Smt. T. G. Mitkari)
Sessions Judge Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : S. A. B. Shaikh, Steno Grade - I
- b) Court : Add. Sessions Judge, Pandharpur
- c) Date of Order : 27.07.2026
- d) Order signed by the : 27.07.2026
Presiding Officer on
- e) Order uploaded on : 27.07.2026