

**Special (POCSO) Case No. 43/2024.
The State Vs. Shahaji Khilare.**

ORDER BELOW EXH. 22.

01. This is an application filed by applicant Shahaji Namdev Khilare under Section 503 of BNSS for releasing motorcycle seized in Cr. No. 496/2024 of Pandharpur Taluka Police Station.

02. It is contended by applicant that, Honda Motorcycle and Scooter India (P) Ltd. (seized motorcycle) bearing No. MH-13/DZ-4942 is seized by Pandharpur Taluka Police Station in Cr. No. 496/2024. He owns seized motorcycle. Charge sheet is filed in the Court. Seized motorcycle is lying in the police station. He needs seized motorcycle for his daily use. Seized motorcycle and its parts will be damaged, if it kept unused. The applicant is ready to abide the terms and conditions imposed by the Court, if the vehicle is returned to him. Hence, applicant prayed that the two wheeler seized by police be returned to him on conditions. The application is supported by his affidavit.

03. Learned APP filed say vide Exh. 25 and resisted the application. It is contended that, seized motorcycle is used in crime. Seized motorcycle is important evidence for case. If seized motorcycle is returned to the applicant, then he will change its nature and there is possibility of sale of the vehicle. Lastly, the learned APP prayed to reject the application.

04. Heard learned advocate for applicant and learned APP for state.

05. Perused contents of application and say filed by Ld. APP and I.O. Applicant claimed custody of vehicle. Section 503 of the BNSS deals with the custody and disposal of property seized during inquiry or trials. The applicant has filed verified certificate of registration of seized vehicle. On perusal same it reveals that, seized vehicle stands in the name of applicant. Thus, applicant has proved his ownership over said vehicle. Moreover none has claimed custody of vehicle. In the decision of **Sunderbhai Ambalal Desai vs State Of Gujarat, 2002 Supp(3) SCR 39**, the Hon'ble Apex Court observed that, 'whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles'. Considering this observation, if the seized motorcycle kept unused at police station, it will be certainly damaged. Therefore, I am of the view that vehicle needs to be returned to the applicant on conditions. Hence, I proceeded to pass following order.

ORDER

- 1) Application Exh. 22 is allowed.
- 2) The two wheeler Honda Motorcycle and Scooter India (P) Ltd. (seized motorcycle) bearing No. MH-13/DZ-4942 (Chasis No. ME4JC85EDND088759) & Engine No. JC85Ed2137239 seized by Pandharpur Taluka Police Station in Cr. No. 496/2024, (Spcl (POCSO) Case No. 43/2024) be given in the custody of the applicant namely Shahaji Namdev Khilare, subject to conditions that -

- a) The applicant shall execute Indemnity Bond of Rs. 50,000/- (Rs. Fifty thousand only) and submit it before the investigating officer/concerned police station.
- b) The applicant shall not change the nature and identity of the said vehicle in any way till conclusion of the trial.
- c) The applicant shall not create third party interest in the vehicle in any manner till conclusion of the trial.
- d) The applicant shall not use the vehicle or let it be used in any crime.
- e) The Investigating Officer/concerned police station is directed to obtain photographs of the said vehicle in question for its proper identification showing its condition as on the date of giving it to the applicant.
- f) The concerned officer of police station/ Investigating officer shall prepare detailed panchanama of the proceedings before handing over the vehicle in question to the applicant.

Date – 09.06.2026.

(A. S. Salgar)
Special Judge, Pandharpur

CERTIFICATE

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

01. Name of the Stenographer - Santosh Vilas Ghongade.
02. Name of the Court - Court of Dist. Judge 03,
Pandhapur.
03. Order/judgment signed by P.O. on - 09.06.2026.
04. Order /Judgment uploaded on - 09.06.2026.