



Cri.M.A.No.68/2026
Rushipal Vs. State
CNRNOMHSO170007852026

ORDER BELOW EXH. 1

Heard both sides. Perused the record carefully.

02. This is an application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for return of HERO Splendor I Smart motorcycle of HERO MOTOCORP Ltd. company bearing No. MH-45-Z-0761, Chassis No. MBLHA12ACFHL20748, Engine No. HA12EMFHL19287 seized by the Kurduwadi police in crime No. 57/2026 punishable under Section 118(1), 118(2), 115(2), 352,74, 189(2),190, 191(2) and 191(3) of B.N.S.. Purpose of seizing is completed. Hence, the applicant is praying for interim custody of the vehicle in his favour.

03. Non-applicant formally opposed the application. APP opposed the application on the ground that the vehicle is used for the commission of crime, it would therefore require for identification purpose during trial and investigation yet to be completer.

04. In the case of ***Sunderbhai Ambalal Desai. V/s. State Of Gujarat (2002 (10) SCC 290)***. It is held that, “*The object and scheme of the various provisions contained in the Cr.P.C. appear to be that where the property which has been the subject matter of an offence is seized by the police, it ought not to be retained in the custody of the court or of the police for any time longer than what is absolutely necessary.”*

05. Aforesaid finding makes the intention of the Hon'ble Apex Court very clear that, seized property should not be retained in Court or with police than necessary. In the present case, police do not seek

custody of above vehicle for any purpose. The applicant appears to be owner of the said vehicle from the copy of its R.C. book placed on record. Hence, the applicant being owner appears to be entitled for the interim custody. However, the apprehension shown by the other side can be satisfied by imposing certain conditions on the applicant. Hence, order.

:: ORDER ::

1.	The application is allowed.
2.	Interim custody of seized HERO Splendor I Smart motorcycle of HERO MOTOCORP Ltd. company bearing No. MH-45-Z-0761, Chassis No. MBLHA12ACFHL20748, Engine No. HA12EMFHL19287 seized by the Kurduwadi police in crime No. 57/2026 be given to the applicant after executing his indemnity bond of Rs.1,10,000/- (One Lakh Ten Thousand Rupees Only).
03.	The applicant to undertake that he shall not create third party interest in the aforesaid vehicle and he will not change its nature without permission of Court and he will preserve the vehicle.
04.	Investigation Officer to prepare panchnama while releasing the vehicle and attach its papers with the charge-sheet.
05.	Inform concerned accordingly.

Date :- 13/03/2026

Place:- Madha.

(P.G.Lambe)

Judicial Magistrate First Class,
Madha.