


MHSO200003022026 	<u>C.R.M.A.No.50/2026</u> <u>Aakib Mulani Vs. State of Maharashtra</u>
---	---

[E-Filing No. AMH20230027050C202600001]

ORDER BELOW EXH.1

- 1) This application is filed by the applicant Aakib Manjur Mullani U/Sec. 503 of the BNSS, 2023.
- 2) As per application the Police Station, Sangola has seized his Tata Intra v30 Pickup LXCLBB56 bearing registered No. MH-09-GJ-2064, Chassis No. MAT535324PYP57382 from custody of the accused in C.R. No. 1049/2025 registered for the offence punishable U/Sec. 303(2), 380 of the Bharatiya Nyaya Sanhita, 2023. If the vehicle remains idle in the custody of police station, then there is possibility of causing damage to its parts and of causing economical loss. Vehicle is necessary for his regular use. Therefore, the applicant has filed present application for the interim custody of the above said vehicle.
- 3) The description of the vehicle is as under:
Model : Tata Intra v30 Pickup LXCLBB56
Registration No. : MH-09-GJ-2064,
Chassis No. : MAT535324PYP57382
Engine No. : 1.5CR09PWXSG3427
- 4) The learned APP filed his say at Exh. 07 and stated that,

application is false one. Vehicle is seized in commission of offence punishable U/Sec. 303(2) of BNS. It is serious offence of theft of sand. The offence is non-bailable. If seized vehicle is released, then there is possibility of commission of similar offence by using said seized vehicle. There is also possibility of change in nature of vehicle. The said vehicle is seized from the custody of the accused namely Chaitanya Mohan Jadhav in commission of theft of sand. Therefore, without proceeding of the Revenue Officer it cannot be handed over to the applicant. It may be important evidence for the prosecution. Hence, prayed for rejection of the application.

5) Investigation Officer filed his say at Exh. 06 and stated that, accused has committed an offence against environment. Investigation is in progress. If vehicle be released there is possibility of commission of similar kind of offence again. Also there is possibility of change or sale of vehicle. At the time of trial, he will not produce vehicle before the Court. Lastly prayed for rejection of application.

6) Perused application, documents filed in support of it and say thereon filed by the Ld. APP and Investigating Officer.

7) Heard Ld. Advocate for the applicant and Ld. APP for the prosecution.

8) Perusal record. It reveals that, the applicant has produced copy Aadhar Card of the applicant, vehicle particular copy of F.I.R. The documents produced on record shows that, the applicant is owner and possessor of said seized vehicle. Also, it is submitted by the applicant that, he is ready to abide all conditions imposed by this Court.

9) Considering facts of the matter, no purpose would be served by keeping vehicle in unattended condition at Police Station. If vehicle remains idle at Police Station, then there is possibility of getting it damaged. So there is no reason to reject present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujarat*, there is no use to keep seized properties at Police Station for long period and appropriate order needs to be passed immediately regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. In the result, following order is passed,

ORDER

- 1) The Cri. Misc. Application No. 50/2026 is hereby allowed.
- 2) Police Inspector, Police Station, Sangola is hereby ordered that, after due verification of identity of the applicant namely Aakib Manjur Mullani to handover interim custody of vehicle i.e. Tata Intra v30 Pickup LXCLBB56 bearing registration No. MH-09-GJ-2064, Chassis No. MAT535324PYP57382 and Engine No. 1.5CR09PWXSG3427 be given to him on his executing indemnity bond of Rs. 4,00,000/- (Rs. Four Lakhs only) subject to following conditions ;
 - i) He shall not sell, transfer or create third party interest upon the vehicle without prior permission of this Court.
 - ii) He shall not change the colour and nature of the vehicle.

- iii) He shall produce the said vehicle as and when ordered by the Court.
- iv) He shall produce photographs of the said vehicle from all angle and a detail panchnama should be prepared before vehicle release.
- v) If the seized vehicle contains sand allegedly obtained by theft, the sand being public property, I.O. shall unload the seized vehicle and hand over the custody of the said sand the Tahsildar, Sangola by adopting due procedure before releasing the said vehicle. The I.O. shall file a compliance report with regard to the same. The same shall form part and parcel of charge-sheet in C.R.No. 1049/2025.
- 3) Inform Police Station, Sangola accordingly.
- 4) I.O. is hereby ordered to submit all relevant papers of release of above said vehicle along with final report of C.R. No. 1049/2025 and he shall mention about the return of *muddemal* property to the applicant.
- 5) Application is disposed off accordingly.

Date - 27/04/2026

(Smt. A. A. Patil)
Judicial Magistrate, F. C., Sangola

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order :-

(a)	Name of the Stenographer	:-	S.S.Kolekar
(b)	Court	:-	Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Sangola.
(c)	Judgment/Order signed by PO on	:-	27/04/2026
(d)	Judgment/Order uploaded on	:-	27/04/2026