

**ORDER BELOW EXH. 5 IN SESSIONS CASE No. 137/2018**  
**(State of Maharashtra Vs. Aniket Pramod Yadav)**

1) Present application is filed by accused no. 1, seeking return of Moped Honda DIO bearing registration no. MH/11/CL/3502, with engine no. JF39EU2181592 and Chassis no. ME4JF39EKHU043274.

2) It is contended that, said moped is in custody of the police station, unattended left open to sky and in rusting condition. In such circumstances, leading to rusting, value being depreciated in such circumstances, applicant being owner of the aforesaid car shall be subjected huge losses. Applicant requires the said vehicle and hence, sought return of vehicle, even on certain terms and conditions.

3) Applicant has also placed on record a copy of the RC extracts in the name of applicant/accused no.1.

4) Application is opposed by the APP by filing his say and contended that, said vehicle is seized in the investigation of offence. In case of return, the applicant may alienate or alter the car or its parts. Moped is required at the time of trial for identification purpose.

5) As far as the identification of vehicle is concerned, the same can be taken care of taking necessary photographs of the vehicle from either perspective of its identification as well as it being used for commission of the offence. APP's apprehension also can be taken care of by specific terms and conditions in this regard.

6) Undisputedly the vehicle if lying unattended at the police station, its value is depreciating day by day subjecting applicant's to loss. In such circumstances, it appears that, the vehicle can be returned to the applicant under specific terms and

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conditions. Hence, following order.

**ORDER**

- 1) Application (Exh. 5) is allowed.
- 2) Moped Honda DIO bearing registration no. MH/11/CL/3502, with engine no. JF39EU2181592 and Chassis no. ME4JF39EKHU043274, be returned to applicant/accused no.1 Aniket Pramod Yadav, on necessary identification and verification on executing Indemnity Bond of Rs. 50,000/- (Rs. Fifty Thousand) on following conditions.
  - i) Applicant shall take care that the condition of the vehicle, it's nature is not altered or changed.
  - ii) Applicant shall not sell the vehicle and will not create any third party right in the said vehicle.
  - iii) Applicant shall produce the said vehicle before the Court/police whenever required, or called for.
- 3) Police shall draw panchnama of the said vehicle, while returning it to the applicant.
- 4) Police shall take photographs of the said vehicle at the cost of the Applicant, which shall be attested by the I.O. and applicant.

Place : Satara.

Date :- 22<sup>nd</sup> November, 2018.

(Y. H. Ameta)  
**Addl. Sessions Judge**  
**Satara**