

MHST160005292026 	Cri. M. A.NO.35/2026 (Mauli Tours and Travels Thr. Balu Dhebe Vs. State of Maharashtra.)
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ORDER BELOW EXH.01 IN Cri. M. A.NO.35/2026.
PASSED ON 03.07.2026.

Applicant Balu Rambhau Dhebe proprietor of Mauli tours and travels has filed this application for seeking interim custody of seized car Ertiga VXi (0) CNG bearing registration No.MH-12-WX-6153, Chassis No. MA3BNC62SRJ879497 Engine No. K15CN9603589, which is seized by Bhuinj Police Station in Crime No. 38/2026.

02. According to applicant, the Bhuinj police station seized the said car and at present the car is in the custody of the police station. Applicant contended that, he used the car for his business and that car is earning source of him. If the car seized in the aforesaid crime will not be used and it is not given to the applicant, it will not be possible to keep the car in good condition. There is every possibility of damage to the car due to exposure of climate and unduly rains for which the applicant will have to bear unnecessary expenses. The panchanama of the said car has been drawn by the investigating officer and at present no investigation is to be conducted with respect to the said car.

03. Applicant contended that, he is registered owner of the car. If the custody of the said car will be given to this applicant, this applicant will keep the car in good condition. The applicant will not make any alteration in colour or machine, which affects the value of this car. The applicant is ready to produce the car before this Court as and when required. The applicant will not do any such act because of which the value of the car will reduce. The applicant will take due care of the said car. The applicant will suffer hardship if possession of the said car will not be handed over to this

applicant. Hence, he prayed application be allowed and interim custody of the seized car be given to him.

04. Investigating officer and Ld. APP Mr. S. R. Mahadik have filed their say below Exh.5 and 1. Investigating officer and Ld. APP have taken objection to release the car in favour of applicant. They contends that, if car handed over to applicant then he will use said car in identical offence. Heard Ld. Advocate Mr. H. A. Sakunde for applicant and Ld. APP Mr. S. R. Mahadik for state. They addressed their submissions in consonance with their contentions in application and say.

05. Perused the application and documents filed on record. It appears that, the Bhuj police has seized the said car in Crime No. 38/2026 for the offence punishable under Section 118 (1), 115 (2), 352, 351 (2) (3), 324 (2), 189 and 190 of the Bharatiya Nyaya Sanhita, 2023. The applicant has filed on record the xerox copy of First information report which shows that, the alleged incident occurred on 10.02.2026. The applicant has filed xerox copy of insurance of said car. The insurance is valid upto 11.11.2026. The applicant has also filed on record verified copy of registration certificate (copy of R. C. book) and verified copy of Udyam registration certificate which shows that he is proprietor of Mauli Tours and Travels. The copy of registration certificate shows that, the applicant is owner of said car.

06. At this juncture, I would like to refer guidelines of Hon'ble Apex Court issued in case titled **Sundarbhai Ambalal Desai Vs. State of Gujarat AIR 2003 SC 638** that, (1) owner of the article would not be suffer because of its remaining unused or by its misappropriation (2) Court or the police would not be required to keep the article in safe custody (3) If the proper panchanama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial, if necessary, evidence could also be recorded describing the nature of the property in detail.

07. In the light of abovesaid proposition of case law, the detailed panchanama and photographs can be used in evidence and custody of its at court or the police is not required. If seized car is allowed to be kept in the custody of police, it will not be possible to keep the car in good condition. Further more, no purpose will be served by keeping the said car in the custody of police. Therefore, considering legal position and argument advanced by Ld. Advocate for applicant, the applicant is entitled for interim custody of the seized car. In the result I proceed to pass following order.

ORDER

1. The application is allowed.
2. Interim custody of car i.e. Ertiga VXI (0) CNG, bearing registration No.MH-12-WX-6153 Engine No.K15CN96 03589, Chassis No.MA3BNC62SRJ879497 be handed over to applicant till final conclusion of crime No.38/2026 of Bhuijn Police station subject to furnishing indemnity bond of Rs.8,00,000/- by applicant before investigating officer.
3. The applicant shall not transfer in any manner the seized car till final decision of crime bearing No.38/2026 of Bhuijn police station and be produced in the Court when ordered by the Court.
4. The investigating officer shall take photographs of the seized car and prepare the detailed panchanama and submit it along with the charge-sheet.

(Dictated and pronounced in open court.)

Date: 03.07.2026.
Place : Wai

(Smt. S. R. Shinde)
Judicial Magistrate F.C.,Wai