

ORDER BELOW APPLICATION (EXH.40) IN
SPECIAL CASE NO. NO.41/2023
(Vitthal Ankush Kolape Vs. State of Maharashtra)

This is an application for interim custody of the seized Mahindra Company XUV 500 Car bearing Registration No. MH-11CQ 0123 under Section 457 of the Code of Criminal Procedure.

02. The Investigating-agency has seized the car from the possession of the relative of the applicant in Lonand Police Station C.R.No. 34/2021 for the offences punishable under Sections 420, 409, 465 and 467 of the Indian Penal Code and Sections 3 & 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

03. According to the applicant, he is registered owner of the seized car. He requires it for his daily use. Hence, he has prayed for its interim custody.

04. The respondent/State by filing say (Exh. 44) has resisted the application.

05. Learned Advocate for the applicant has submitted that the applicant has not committed any crime. The seized vehicle has also no concern with any crime. The applicant is ready to abide by the terms and conditions imposed by the Court. Hence, he has prayed for its interim custody.

06. Learned Special Prosecutor has submitted that the vehicle is purchased from the defrauded funds of the investors. It

may require for repayment of the funds of the investors. In case of release of its interim custody the applicant may use its for immoral or illegal purpose. Hence, he has prayed for rejection of the application.

07. The Investigating Agency has seized the vehicle under seizure memo. Time will take for conclusion of trial. If during such long span of time the vehicle is kept unused in the campus of Police Station, there is every possibility of causing damage to it. If its interim custody is delivered to its registered owner, by imposing necessary terms and conditions, the purpose would serve.

08. The vehicle car is seized from the possession of the relative of the applicant. The applicant has filed verified copy of the RC Book of the vehicle, which shows that he is its registered owner. Hence, he deserves its interim custody. In the result, I pass following order :

ORDER

01. The application is allowed.

02. Interim custody of Mahindra XUV 500 Car bearing Registration No. MH-11CQ 0123 be delivered to the applicant on his executing indemnity bond of Rs.25,00,000/- (Twenty Five Lakhs) on following terms and conditions :

- (a) The applicant shall not dispose off or transfer the vehicle in any manner till conclusion of trial.
- (b) The applicant shall not make any material change in the vehicle, including its appearance, till conclusion of trial.
- (c) The applicant shall produce the vehicle, as and when required by the Court or the concerned Police Station.
- (d) Before delivering custody of the vehicle, the Police Officer of the concerned Police Station shall prepare detail panchanama of the vehicle under his signature with counter-signature of the applicant.
- (e) The applicant shall produce photograph of appearance of the vehicle counter-signed by the Police Officer.
- (f) The applicant shall not use the vehicle for any illegal or immoral purpose.

WAI

Date : 02.03.2023

(S.G. Nandimath)
Addl. Sessions Judge, Wai