

Special (POCSO) Case No.40 of 2025

(CNR No. : MHST21-000391-2025)

State of Maharashtra Vs. Ganesh @ Ranjit Khashaba Karche

ORDER BELOW EXH.07

(Passed on 23.02.2026)

01] This is an application preferred by third person namely **Dilip Jagannath Sodmise** for return of seized Hero Honda motorcycle of SD-100-SS model having registration No. MH-11-X-180, Chassis No.02J14F03688, Engine No.02J13E05395 under Section 497 of the Bhartiya Nagarik Suraksha Sanhita 2023. Prosecution has filed its say on overleaf of this application and raised objection.

02] Heard Advocate Shri. A. S. Pawar for third person and Advocate Shri. V.H. Katkar, Ld. Addl. PP for State. Perused record.

03] In this case, investigation is completed and charge-sheet is filed against accused no.1 Ganesh @ Ranjit Khashaba Karche and accused no.2 Abhijeet @ Abhishek Shantaram Sodmise under Sections 64(1), 74, 78, 115(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita 2023 and Section 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. Charge-sheet shows that this motorcycle is seized by Investigation officer under property search and seizure form on 07.08.2025 and it is in the custody of police till today. The said motorcycle was seized from the custody of accused no.1 Ganesh @ Ranjit Khashaba Karche. Applicant has produced verified copy of his Adhar card and certificate of registration of seized motorcycle on record along

with Exh.10 at serial no.1 and 2 respectively. The said copy shows that the seized motorcycle is having registration no. MH-11-X-180 and owned by one Dilip Jagannath Sodmise i.e. present applicant. Till today other than applicant no one has claimed said motorcycle. It is alleged that accused no.1 Ganesh @ Ranjit Khashaba Karche has used said motorcycle in the commission of alleged offence. Now investigation is completed and charge-sheet is filed. Now, no purpose will be served by keeping said motorcycle in the custody of police. Seized motorcycle is required for applicant for his daily use. If it is not returned to applicant then it will certainly deteriorated. Third party applicant is not an accused in the alleged offence. For all above stated reasons and in view of ratio laid down by Hon'ble Apex Court in case of *Sunderbhai Ambalal Desai Vs. State of Gujarat, Special Leave Petition (Cri.) 2745 of 2002* reported in *2002 Supp(3) SCR 39*, this application is deserves to be allowed and applicant is entitled for release of seized motorcycle in his favour on certain conditions.

04] Hence, I proceed to pass following order -

ORDER

01. This application is allowed.

02] Seized muddemal property i.e. Hero Honda motorcycle of SD-100-SS model having registration No. MH-11-X-180, Chassis No. Chassis No.02J14F03688, Engine No.02J13E05395 be returned to applicant **Dilip Jagannath Sodmise** on execution of Indemnity Bond of Rs.50,000/-(Rupees Fifty Thousand only) and

on following conditions:

(a) That applicant shall not change present nature of said motorcycle in any manner till conclusion of trial.

(b) That applicant shall produce the said motorcycle before the Court as and when directed.

(c) That applicant shall not dispose off or transfer said motorcycle in any manner till conclusion of trial.

(d) That applicant shall keep said motorcycle in good and working condition till disposal of case.

(e) Before delivering custody of the said motorcycle, the Investigation Officer shall prepare detail panchanama of the vehicle under his signature with counter-signature of the applicant and produce in the charge-sheet.

(f) The Investigation Officer shall produce photograph of appearance of the said motorcycle in this proceeding.

(g) That applicant shall not use the said motorcycle for any illegal or immoral purpose.

PHALTAN.
23rd February 2026

(R. S. Patil-Bhosale)
Addl. Sessions Judge, Phaltan