

Special (MPID) Case no. 145 of 2024

(CNR No. MHST21-000533-2024)

ORDER BELOW EXH.77

(The State of Maharashtra Vs. Suraj Vasant Bodare)

The accused no. 3 **Umesh Sanjay Khomane** prayed for return of the seized property i.e. two wheeler of Pulsar 220 DTS-IF of Bajaj Auto Ltd. company bearing registration No.MH-11/CR-6409, Chasis No. MD2A13EY3JCH06653 and Engine No.DKYCJH6609 under Sec. 451 of Cr.P.C which seized in C.R.No. 841 of 2022 registered with Phaltan Rural Police Station.

02. Applicant submitted that he is registered owner of the vehicle. The motorcycle is lying idle in the police station due to which it will be damaged. He is ready to execute necessary bond and to obey all the conditions.

03. Ld. APP resisted the application with the submission that the offence is serious and the said vehicle is used in commission of offence. He further submitted that applicant is likely to use the vehicle again in another offence or he will dispose sell the same. Hence, he prayed to reject the application.

04. I have heard Ld. Advocate for the applicant and Ld. APP for State. Perused the registration certificate of this vehicle. It shows that the applicant is its registered owner. There seems no necessity to keep the vehicle lying idle in the premises of Police Station. If it is left so, there is every possibility that the vehicle would be damaged, rusted and would be out of working. As against this, the vehicle is of

daily use of the applicant-accused to go for his agricultural business. Hence, it is just and proper to give the custody of the above said vehicle to the applicant. Hence, I pass the following order.

ORDER

01. The application is allowed.
02. The seized muddemal property i.e. two wheeler of Pulsar 220 DTS-IF of Bajaj Auto Ltd. company bearing registration No.MH-11/CR-6409, Chasis No. MD2A13EY3JCH06653 and Engine No.DKYCJH6609 be returned to the applicant **Umesh Sanjay Khomane** with a condition that he shall not dispose off the said property or change its nature in any manner till conclusion of trial and shall produce the same before the Court as and when required on furnishing indemnity bond of Rs.50,000/-(Rupees Fifty Thousand only).
03. Before delivering custody of above mentioned muddemal, the Police Officer of the concerned Police Station shall prepare detail panchanama of the vehicle under his signature with counter-signature of the applicant.

PHALTAN.
Dt. 10th February, 2025.

(P. V. Chatur)
Addl. Sessions Judge , Phaltan