

Special (POCSO) Case no. 309/2024

(CNR No. MHST21-002737-2024)

ORDER BELOW EXH.12

(Suresh Govind Kasabe Vs. State of Maharashtra)

Third party applicant Suresh Govind Kasabe prayed for custody of the seized four wheeler vehicle of TATA MOTORS Company TATA INTRA V 10BS-VI bearing registration no.MH-42-BF-0702 seized in the C.R.No. 298/2024 registered at Lonand Police Station.

02. It is submitted that the seized vehicle is of his daily domestic and agricultural use. Therefore, the applicant is in need of the said vehicle. If it is given in his custody, he is ready to produce in the Court as and when required. He will obey all the terms and conditions. He will not change the nature of the seized vehicle nor will sell. Hence, this application.

03. The Ld. APP opposed the application submitting that it is involved in commission of the crime. Therefore, it was recovered from the relative of the accused. The applicant may sell or transfer the seized vehicle and will create third party interest. Therefore, application is prayed to be rejected.

04. It appears from the registration certificate that the applicant Suresh Govind Kasabe is registered owner of the seized vehicle. He is relative of the accused. As per prosecution case, the accused had kidnapped the victim in the seized vehicle. Therefore, it was seized by the Investigating Officer.

05. The applicant is registered owner of the seized vehicle. He wants the said vehicle for his daily use and for transportation of agricultural produce and business. It is lying idle at the Police Station. If it is left so, it will certainly sustained damages at no costs of the applicant. On the other hand, if the vehicle is given to him, he can use it for his above said purpose. Therefore, in the interest of justice, with necessary conditions, the application deserves to be allowed. Hence, I pass the following order.

ORDER

[01] The application is partly allowed.

[02] The seized muddemal property four wheeler vehicle of TATA MOTORS Company TATA INTRA V 10BS-VI bearing registration no.MH-42-BF-0702, Chasis No.MAT535072MYP56457, Engine No.800CCD102PYXSD7189 be returned to the applicant **Suresh Govind Kasabe** with a condition that he shall not destroy 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.5,00,000/- (Rupees Five Lac 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.

Sd/-xxx

Phaltan.
Dt.16th October, 2024.

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