

Order below Exh.10
(Passed on 24.06.2021)

1. Claiming himself to be the registered owner of four wheeler Hyundai Car No.MH27-AR-0988, Chasis No. MALBB51SLBM372251L, Engine No.B4FCBU035821, the applicant/accused prayed for releasing the same in his favour which has been seized in Crime No.110/2019, u/sec. 302, 364, 201 of IPC and sec.3(2)(b) of SC & ST (POA) Act by P.Stn. Ashti on the ground that investigation in this crime has been completed and charge-sheet is also filed and he required the vehicle for use daily routine work. On the other hand, application is resisted by the prosecution vide say Exh.11 mainly on the ground that the vehicle was used in committing the said offence. The offence is serious and anti-social. As the vehicle was hypothecated with the finance company and therefore, say of finance company is necessary. It is alternatively contended that if the vehicle is released, the applicant be directed to admit seizure panchnama of the said vehicle.

2. After considering the submissions of both sides, I have also gone through the material available on record. On the basis of copy of certificate of registration, (verified from original) the applicant prima-facie appears to be the registered owner of the said Car. Upon going through the confessional statement of the accused recorded u/sec.27 at the time of discovery panchnama in Spl.C.No.97/2019, it reveals that though the said Car was used by the accused for taking the deceased on the spot where he committed her murder, all the acts constituting the offence have been committed outside the Car except

the fact that prior to it, both of them performed sexual intercourse on the back seat of the said Car.

3. Upon going through the record of the case, no purpose would be served by detaining the Car with the police nor anything has been stated by the prosecution to show that its detention is necessary until conclusion of the trial. In these circumstances, having regard to the guidelines laid down by the Hon'ble Supreme Court in Sundarbai Ambalal Desai -vs- State of Gujrat Slp.(Crl.) 2745 of 2002 dt.01-10-2002 no purpose would be served by keeping the vehicle idle in the open premises of the police station. If certain conditions are imposed while releasing the same to its registered owner i.e. to the applicant/accused purpose would be served. In this view of the matter, following order is passed.

ORDER

1. Application is allowed.

2. Police Station Ashti is directed to release Hyundai Car No.MH27-AR-0988, Chasis No. MALBB51SLBM372251L, Engine No.B4FCBU035821, in favour of the applicant Vaibhav Diliprao Deshmukh r/o Goregaon, Post-Karajgaon (Gandhigar) Goregaon, Tah. & Distt. Amaravati on his executing indemnity bond of Rs.2,50,000/- (Rs. Two Lac Fifty Thousand only) on following terms and conditions:-

i) The applicant shall not transfer the said vehicle in any manner to anybody nor shall change its color, identity and internal structure until conclusion of the trial and shall produce

the same in the Court as and when directed.

ii) Police Station incharge/ I.O. is directed to take two photographs from inside and two photographs from the outside of the said Car to show the actual condition and structure of the said Car. The expenses towards the photographs shall be borne by the applicant and after drawing necessary panchanama which shall bear the signature of the applicant/accused, vehicle shall be handed over to him.

3. The I.O./P.S. Ashti is directed to submit the said panchanama and photographs in the court in which the charge-sheet is filed or pending.

Date : 24.06.2021

sd/-
(R.M.Mishra)
Addl.Sessions Judge,
Wardha.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file are same word to word, as per the assigned order.

(S.V. Dakhane)
Stenographer (Grade-1)