

MHWS090002492026



ORDER BELOW EXH. 1

1] This is an application for release the Tractor bearing registration No. MH-37/L-9120, Chassis No. DZCSF584659S3, Engine No. 31021L63I580366F5 and Trolley bearing registration No. MH-37/V-9302 Chassis No. MAA/261/3/21, Engine No. NA000 under Section 503 of the B.N.S.S., 2023. Say filed by Ld. A.P.P and I.O. Heard Ld. Advocate for the applicant and Ld. A.P.P Perused the record.

2] The applicant submits that, he is the owner of above mentioned vehicle. Taluka Police has seized this vehicle in Crime No. 148/2026 in connection with crime u/s 303(2), 3(5) of the B.N.S and Section 4(A), 21 Mine and Minerals Act, 1957. Hence, applicant prayed for release of the above vehicle. He is ready to abide by all the conditions imposed by this Court. The applicant also undertook to produce the said vehicle before Court as and when required.

3] I.O. of Taluka Police Station filed his say at Exh.5. He has objection to hand over the vehicle to the applicant. However, Ld. A.P.P also filed his say and submitted that, the offence alleged is serious and cognizable in nature. If the vehicle is released, the possibility of committing similar nature of crime cannot be avoided. The applicant is the accused. Therefore, he did not file the original documents on record. The applicant will not produce the alleged vehicle before the Court as and whenever may be required. Therefore, he prayed for rejection of the application.

4] In support of the claim, the applicant has filed copy of FIR, verified copy of Registration Certificate, Aadhar card of applicant as a documents No.1 to 3 below Exh.3. This prima-facie supports his ownership claim. No other claimant has appeared before

the Court. Applicant has filed affidavit in support of his application. Moreover, keeping the vehicle idle in Police Station is of no use because it may deteriorate the condition of the vehicle. On the other hand, releasing of vehicle in favour of the applicant by imposing some conditions is just in the interest of justice.

5] As per the guidelines given by Hon'ble Apex Court in the authority of "***Sundarbhai Ambalal Desai Vrs. State of Gujrat, (2002) 10 SCC 283***", it is essential to pass expeditious orders about the custody of the property. In my view, from the foregoing reasons, good ground is made out to accord for interim custody in favour of the applicant. Some of the apprehensions put forth by Ld. A.PP and IO. can be taken care of by imposing conditions. Hence, I pass the following order.

ORDER

- 1) The application is allowed.
- 2) In-charge of Taluka Police Station Manora is directed to release the the Tractor bearing registration No. MH-37/L-9120, Chessis No. DZCSF584659S3, Engine No. 31021L63I580366F5 and Trolly bearing registration No. MH-37/V-9302 Chessis No. MAA/261/3/21, Engine No. NA000 in favour of applicant namely **Ankush Vijay Rathod**, R/o.Santoshimata Nagar, Manora, Tq.Manora, Dist. Washim.
- 3) The applicant to execute indemnity bond of Rs. **40,000/-** (Rs. Forty thousand only) in favour of the In-charge of Taluka Police Station Manora.
- 4) The applicant shall undertake to produce the said vehicle as and when directed by Police or by Court during the investigation, inquiry and trial in crime No. 148/2026 of Taluka Police Station Manora.
- 5) Applicant shall undertake that he shall not use said vehicle for any kind of illegal activities.
- 6) Applicant shall submit one bunch of the verified copy of documents concerning ownership of the property to the concerned police station.

- 7) The applicant is further directed that, he shall not change the colour, nature of the vehicle and shall not transfer the vehicle without permission of the Court.
- 8) The P.O. of the Taluka Police Station, Manora is hereby directed to draw detailed panchanama by taking coloured photographs of the said vehicle from all four sides and also of chassis and engine of the vehicle at the costs of the applicant which shall be endorsed by the applicant and send the said photographs to the Court concerned along with the report, if any.
- 9) The Revenue Authority/ RTO, Washim/ Circle Officer is at liberty to initiate proceeding with respect to the claimed vehicle by following the due procedure of law.

(Dictated and pronounced in open Court)

Manora

Date : 07/04/2026

(Ms. Trushna G. Bansod)

Judicial Magistrate First Class

(Court no.2), Manora.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

Name of the Stenographer	-	Smt. R. K.Chavhan Stenographer (Grade-III)
Court	-	(Ms. T. G. Bansod) Jt. CJJD & JMFC, Manora.
Date of Judgment/Order	-	07/04/2026
Judgment/Order signed by the Presiding Officer on	-	07/04/2026
Judgment/Order uploaded on	-	07/04/2026