

MHWS100020482025



ORDER BELOW EXH. 05 RCC NO.310/2025

State of Maharashtra PSO Shirpur Vs. Rohan Lahanu Surve

Perused the application, say filed by the Investigating Officer and say filed by learned A.P.P. Through this application, the applicant namely **Nakul Bharatrao Nayak** is seeking interim custody of **Hero Company, Splendor Pro Motor Cycle** having **Registration No. MH-37-F-9792** seized by the police of **Shirpur** Police Station in this case (**Crime No.487/2025**).

02. The Investigating Officer filed his say at Exh.06 and contended that verify the document and necessary order be passed. Learned A.P.P. filed her say below Exh.01 opposed the application and contended that the seized muddemal is used material as a evidence of the matter. Hence, application be rejected. Accused not filed his say, therefore, application proceeded no say against him.

03. It is not disputed that the afore-mentioned motor cycle is came to be seized from the possession of the accused in this case. Applicant filed the verified copies of RC Book, Aadhar Card and along-with application which shows that the applicant is the registered owner of the seized motor cycle. Perusal of the charge-sheet shows that, the said motor cycle is seized from the custody of the accused. The applicant is seeking the interim custody of the seized motor cycle with the contentions that he is in need of the motor cycle for his daily use. If the motor cycle is remained idle and un-used in the police station, then its physical parts will be damaged.

04. The seized motor cycle is in the custody of **Shirpur** Police Station. If it is remained un-used for long period, then its physical parts will be damaged. The applicant is ready to furnish indemnity bond as per the directions of the Court. He is also ready to abide conditions imposed by this Court. It is well-settled that the appropriate orders regarding the disposal of seized muddemal are needs to be passed immediately. Herein, the applicant is the registered owner of the seized motor cycle. Therefore, interim custody of the seized motor cycle will have to be given to the applicant on certain conditions. Hence, I pass

following order :-

-: ORDER :-

- [i] Application is allowed.
- [ii] The interim custody of seized vehicle in Crime No. **No.487/2025., Hero Company, Splendor Pro Motor Cycle having Registration No. MH-37-F-9792** be given to the applicant **Nakul Bharatrao Nayak** on furnishing indemnity bond of **Rs.1,60,000/- (In Words Rupees One Lakh Sixty Thousand Only)** on the following conditions :-
- (a) The applicant shall not create third party interest in any manner in the seized motor-cycle till the trial is over.
- (b) The applicant shall not change any of the physical feature including colour of the seized motor-cycle till the trial is over.
- (c) The applicant shall not use the seized motor-cycle in any other offences.
- (d) The applicant shall produce the seized motor-cycle as and when required by the Court or Investigating Officer.
- [iii] Investigating Officer is directed to take the photographs of the seized motor-cycle and also draw detail panchanama describing the physical features of the motor-cycle so as to produce the same before this Court at the time of trial at the time of handing-over of its custody to the applicant.

(Dictated and pronounced in the open Court.)

Place : Malegaon.
Date : 24/04/2026.

[A. S. Koshti]
J.M.F.C. (Court No.2) Malegaon
Dist. Washim

<u>CERTIFICATE</u>		
I affirm that, contents of this PDF file is same word to word, as per original Judgment :-		
1. Name of the Stenographer	:-	Shivam B.Patange (LG)
2. Court Name	:-	Jt. C.J.J.D & J.M.F.C., Malegaon
3. Judgment dated	:-	24.04.2026.
4. Judgment Signed by P.O.	:-	24.04.2026.
5. Judgment uploaded on	:-	24.04.2026.

