

MHYA190003372026 	OMCA No.24/2026 Ataullah Khan Vs. P. S. Ralegaon
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ORDER BELOW EXH.- 01

(Date: 31-03-2026)

This is an application filed by applicant namely, **Ataullah Khan Hashmatulla Khan** for releasing his Crane Machine Registration No. **MH-29-CJ-9462** Chassis No.**ACE014XWHT0192413** and Engine No.**SJV43507149CACFL003532** was seized by Ralegaon Police Station under section 106(1),281 of Bharatiya Nyaya Sanhita 2023, in Crime No. 97/2026. The above said vehicle belongs to applicant. The learned counsel for applicant submitted that the above said vehicle was seized in connection with Crime No. 97/2026. The applicant submitted that applicant is owner of seized vehicle. The investigation is over. There is no need of seized vehicle in respect of crime no. 97/2026. If seized vehicle is not released then there is a possibility to damage the said vehicle and it cause damage to the applicant. The applicant is abide all conditions imposed by this Hon'ble Court and make available the said seized vehicle as an when required. Therefore, applicant prayed to allow his application.

2. Perused the say of Investigation Officer. It appears that, the investigation officer did not took objection to this application and prayed to pass appropriate order. Learned APP for State has filed his say to this application and took objection to this application. He submitted that crime is very serious in nature. The applicant has not filed insurance copy. If alleged property released on said application then every chance about sale, mortgage, destroyed, change its nature and involvement in similar type of crime. Investigation yet not completed and in progressive nature. Hence, this application may kindly be rejected.

3. In support of submission of applicant, he has filed verified copy of Certificate of registration of the said vehicle, his Crane Registration No. **MH-29-CJ-9462 Chassis No.ACE014XWHT0192413 and Engine No.SJV43507149CACFL003532** The applicant has also filed insurance copy of said Vehicle issued by **Chola MS** Which established that Applicant is the registered owner of said vehicle. Applicant also filed copy of his Aadhaar Card on record. Further applicant submitted that, after having custody of above said vehicle he is ready to make available his vehicle as and when required by the Police Station. Applicant is in need of said vehicle for his daily use. He is ready to execute supurdnama and ready to abide conditions imposed by the court. Hence, prayed to allow application.

4. Perused the record and documents filed on record. Perused verified copy of Certificate of registration of the said vehicle. It established that applicant is the registered owner of above said vehicle. Therefore, considering the document on record & submission of their counsel, I am of the view that no purpose will be served in keeping the above said vehicle idle at police station, till the decision of the trial. No doubt the said vehicle is one of the part of evidence in the crime, but it is not just & proper to keep said vehicle in the custody of police till the procedure of trial. Moreover, the applicant has submitted that, he is ready to abide by all the conditions which would be imposed upon him by the court. If said vehicle is returned to the applicant after imposing conditions then purpose will be served. So interim custody of the vehicle is given to the applicant, on following conditions. Thus, I proceed to pass following order:

ORDER

- i. Application is allowed.
- ii. Seized Muddemal i.e. his Crane Machine Registration No. **MH-29-CJ-9462 Chassis No.ACE014XWHT0192413 and Engine No.SJV43507149CACFL003532** be returned to the applicant namely,

Ataullah Khan Hashmatulla Khan on Supurdnama on executing indemnity bond of Rs. 45,00,000/- (Fourty Five lac rupees only) on stamp paper of Rs. 500/- after due verification.

- iii. The applicant is directed to make available his vehicle as and when required by the Police Station.
- iv. The applicant is directed to produce the above said vehicle as and when require by the Court for the purpose of evidence and he shall not alter,modified,sale, gift same or not to change its nature, colour or disposed off of the same, till the disposal of the case.
- v. The applicant is hereby directed not to use this vehicle in same or similar offence.
- vi. The Investigation Officer is directed to prepare detailed panchnama of seized vehicle before handing over it to the applicant.
- vii. The Investigation Officer is directed to take photographs from the Four side of seized vehicle that such photographs shall be attested or countersigned by the applicant. All documents be produced at the time of filing of charge-sheet.
- viii. The application is disposed off accordingly.

Date : 31-03-2026

[Ramchandra Dattatray Mane]
Judicial Magistrate First Class,
Court No.2, Ralegaon.