

MHYA210003412022



**ORDER BELOW EXH. 27 in R.C.C. No.27/2022**  
**State of Maharashtra State - Vs – Dhanraj & Ors**

1. The application is filed for releasing the vehicle i.e. Tractor Trolley bearing Reg.No. MH-29-V-6631 seized in Crime No.252/2021, under Section 379, 34 of the I.P.C, by Police Station, Shirpur, Tq.Wani, Dist. Yavatmal.
2. Perused the application and say of Learned A.PP. Exh.32. The applicant submitted that he is owner of the seized vehicle. The seized vehicle is essential for his agricultural works and livelihood. The seized vehicle is lying in the Police Station, Shirpur without any use. The applicant is ready to abide conditions, if any imposed the Court. Lastly, he prayed to allow the application.
3. The learned Spl.A.PP. opposed the application on the ground that the alleged trolley is not seized by the investigation officer. He further contended that the seized vehicle is material evidence and may require at the stage of trial. There is prima facie material against the accused. Moreover, the possibility of tampering or disposal of vehicle or changing the nature of vehicle at the hands of the applicant can not be ruled out. Hence, he prayed for rejection of application.
4. Heard, the Learned Advocate for the applicant and Spl.A.PP. They submitted as per contentions of application and reply. The applicant in support of his application filed verified copy of registration certificate, Xerox copies Aadhaar Card and F.I.R. On perusal of documents, it appears that the applicant is owner of the seized vehicle. No one claimed the custody of seized vehicle except the applicant. The alleged vehicle is seized during investigation along with

Tractor. The seized vehicle is lying in the police station without any use. Moreover, the seized vehicle is not required for investigation purposes. The charge sheet is already filed in the Court. Thus, considering the guidelines and directions issued by the Honorable Supreme Court, in Sundarbhai Vs. State of Gujrat, reported in 2002 Supp(3) SCR 39, the applicant is entitled for interim custody of the seized vehicle. Hence, considering the above findings, I pass the following order.

**ORDER**

1. The application is allowed.
2. Police Station Officer, Shirpur Police Station is directed to hand over the interim custody of **empty vehicle** i.e. Tractor Trolley bearing Reg.No. MH-29-V-6631 seized in Crime No.252/2021, to applicant **Murlidhar Nanaji Thakare**, after executing indemnity bond of Rs.8,00,000/- (Rupees Eight Lac only).
3. It is clarified that if the seized vehicle contain the sand of crime, it be unloaded and empty vehicle be released. Such sand is not the part of present order and shall not be released, unless specific order in this behalf by this Court.
4. The applicant is directed to produce the original document of seized vehicle at the time of executing indemnity bond before the Court along with valid Insurance certificate.
5. The applicant is directed not to create third party interest in the seized vehicle either by way of sale, mortgage, etc.
6. The applicant is directed to produce the seized vehicle as and when directed by the Court.
7. The applicant shall not use the seized vehicle in any offence.
8. I.O. to prepare detail panchanama before handing over the same to applicant.
9. The proceeding is disposed of, accordingly.

Date : 18.12.2024  
Place: Wani

**(Shahaji D. Bhosale)**  
Judicial Magistrate (First Class), Wani.