

MHNS100007202026



**IN THE COURT OF DISTRICT JUDGE -3 AND ADDITIONAL
SESSIONS JUDGE AT NIPHAD TAL.NIPHAD, DIST. NASHIK.**

Criminal M.A No.28 of 2026

Shri. Daulat Arjun Kandekar

...Applicant.

versus

**State of Maharashtra
(Pimpalgaon Police Station)**

...Respondent.

**Coram : Rajita M. Chavan,
District Judge-3, Niphad
Tal. Niphad, Dist. Nashik.
Date : 22/07/2026**

Shri. A. V. Taskar Advocate for applicant.
Shri. R. B. Shinde for the State.

ORDER BELOW EXH. 01

This is an application filed by the applicant Daulat Kandekar for seeking custody of muddemal property i.e. Force Motors Limited, Travellar T1, AC Bus, bearing No. DD-01-AA-9315, having its Chasis No. MC1E4ECA4SP015490, Engine No. D71074592, vide section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023. (Earlier section 457 of the Code of Criminal Procedure).

2. The applicant submitted that the said property is seized by Pimpalgaon (b) Police Station in Crime No. 100/2026 for the offences punishable under sections 137(2), 64(1), 64(2)(M), 65(1) of the Bhartiya Nyaya Sanhita 2023 and under sections 4, 6, 8 and 10 of the POCSO Act 2012.

3. It is contended that the applicant is the registered owner of the above mentioned muddemal property, he is permanent resident of Songaon, Tal. Niphad, Dist. Nashik. He is in need of the said vehicle in question for his daily use. He is not accused in the present crime. The accused was working as a driver of the said vehicle under the employment of the applicant. If the said vehicle is kept idle in the police station for an indefinite period, there is possibility of causing damage to its material parts. He has produced the relevant documents of the vehicle. Hence, he prayed to return the same.

4. The Investigating officer through Learned APP has filed say at Exh.6 and objected the application on the ground that the said vehicle was used to commit the crime punishable under the provisions of BNS and POCSO Act. If the vehicle is returned to the applicant, he would make some material changes in the vehicle. There is also a possibility of the applicant selling out the vehicle. The vehicle may be again used to commit a similar crime by the accused. Said vehicle is an important evidence in the said case. Hence, they prayed for rejection of the application.

5. Heard both sides. Gone through the copies of FIR, Seizure panchanama, Iffco Tokio Insurance, RC book, Udyam

Registration Certificate, Permit, Aadhar Card, Lease Agreement of the applicant and copy of statement of the victim recorded by the police filed alongwith list Exh.3.

6. It appears from the R C Book and the document of insurance that the applicant is the registered owner of the vehicle in question. He is not an accused in this case. The allegations of the prosecution are that the vehicle is used in sexual offence and in the say it is submitted by the investigating officer that sexual intercourse between the victim and the accused was occurred in the said vehicle also. Therefore it is material evidence in this case. If the FIR and seizure panchanama is perused it seems that, FIR is lodged on 23/04/2026 and the vehicle was seized after considerable gap on 02/07/2026. When the vehicle was seized, it was in use by the applicant. It is submitted by the I.O. that no forensic and scientific examination is done in respect of the vehicle. The vehicle is now stationery in the police station. If the said vehicle is kept in unused condition, then possibility of causing damages to its material parts cannot be ruled out. It is important to note that the investigation is almost completed as submitted by the investigating officer. If the statement of victim is perused, it is mentioned that no sexual intercourse was occurred in the said vehicle.

7. It is submitted by Ld. Counsel for the applicant that the vehicle is purchased by obtaining loan and being used for the business purpose. Vehicle is hypothecated with the bank. Installments of loan amount need to the paid by the applicant. He requested to released the vehicle so that it can be used for his

business which enable him to pay the loan amount.

8. Considering the aforesaid circumstance this court is of the view that, the vehicle can be released and temporary custody can be given to the applicant during trial. Definitely indemnity bond is to be furnished by the applicant. In order to keep the vehicle as it is, certain conditions can be imposed. Hence, it is appropriate to handover the muddemal property to the applicant on following conditions. Accordingly, following order is passed.

ORDER

- 01] Application is allowed.
- 02] The seized vehicle Force Motors Limited, Travellar T1, AC Bus bearing No. DD-01-AA-9315, having its Chasis No. MC1E4ECA4SP015490, Engine No. D71074592 be temporarily released on execution of an indemnity bond (suparatnama) of Rs. 20,00,000/- (Rupees Twenty Lakhs only) in favour of the applicant namely Shri. Daulat Arjun Kandekar. The bond shall be furnished before concerned Police Station Officer.
- 03] The applicant shall not sell or dispose of the said vehicle in any manner till the conclusion of the trial.
- 04] The applicant shall produce the said vehicle before the court as and when it is required.

- 05] Before releasing the vehicle, photographs of the same be clicked and the same be kept in the chargesheet.
- 06] Letter be issued to the concerned Police Station, accordingly, alongwith copy of this order.

Date : 22.07.2026

(**Rajita M. Chavan**)
District Judge-3 &
Additional Sessions Judge,
Niphad