

Order below Exh.15 in R.C.C. No.138/2022
CNR-MHSN12-000788-2022

(State Vs. Aniket Ravindra Lohar etc)

This is an application under Section 451 of Cr. P. C. filed by the applicant Salim Gaibisab Mulla to hand over the interim custody of motorcycle H F deluxe bearing registration No. MH-10-DN-3489, chassis No. MBLHAW139L5K83730, engine No. HA11EWL5K03820 seized in crime no. 78/2022 by Palus Police Station.

2. It is contended by applicant that he is the registered owner of said motorcycle and Palus Police Station has seized the same in Crime No. 78/2022. It is contended that he undertakes to abide conditions which are likely to be imposed by court.

3. Perused the say of I.O. filed vide exh. 19, according to I.O., vehicle be released on appropriate condition. In spite of sufficient opportunity APP has not filed her say. Hence, application is proceeded without say of APP.

4. Applicant has produced copy of F.I.R., xerox copy of Aadhar card, xerox copy of R.C. book, which shows that he is the owner of seized motorcycle. Prima facie FIR is showing involvement of vehicle in the crime No. 78/2022. It is settled principle that the vehicle can not be kept with police. The possibility of damaging machinery can not be ruled out. It is always just and proper to deliver interim custody of the property to the person entitled. As from the record applicant appears to be entitled for interim custody of the motorcycle by imposing certain condition. Therefore, considering documents on record purpose will not be served by keeping articles with police station and it will cause damage to the vehicle. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. Investigating Officer of crime No. 78/2022 of Palus Police Station is directed to hand over the interim custody of seized motorcycle H F deluxe bearing registration No. MH-10-DN-3489, chassis No. MBLHAW139L5K83730, engine No. HA11EWL5K03820 to the applicant Salim Gaibisa Mulla, R/o Tiranganagar, Ramanandnagar, Tal. Palus, Dist. Sangli on his executing indemnity bond of Rs. 40,000/- (Rs. Forty thousand only) with condition that he shall not sale the same, shall not change its nature and produce the same as and when directed by this court till the conclusion of trial.
3. Investigating Officer is directed to take photograph of the said motorcycle and prepare detail panchnama of the same prior to handing the motorcycle to the applicant and to file the same alongwith charge-sheet.

Date : 09/12/2022
Place : Palus

(I.A.Y.A. Khan)
Judicial Magistrate, First Class, Palus

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word, as per the original.

Name of Stenographer	:	Mrs. S. V. Kadam Stenographer Grade III
Court	:	Jt. C.J.J.D. & J.M.F.C., Palus
Date	:	09/12/2022
Signed by P. O. on	:	09/12/2022
Uploaded on	:	12/12/2022