



CNR NO.MHAM1200-2390-2022

O.MISC.CRI.NO.151/2022

Sachin --vs-- P. S. Daryapur

ORDER BELOW EXH. 01

Present application has been filed by the applicant under Section 457 of Code of Criminal Procedure, 1973.

02. Perused the application, say of APP and IO. Applicant is applying for interim custody of seized **TVS Jupiter** bearing registration No.MH-27-CT-4726 **Engine No. JJ5AM1700011 and Chesis No. MD626EG52M1A00194**. Said vehicle has been seized by Police Station, Daryapur in Crime No.625/2022, U/Sec. 65 (e) Bombay Prohibition Act. Applicant further submitted that, he is owner of said vehicle. Therefore, he filed present application for releasing of said vehicle in his favour. I.O filed his say and submitted that seized vehicle may be released on subject to terms and conditions imposed by this court. A.P.P. filed her say and take objection for releasing said vehicle.

03. In support of his contention applicant produced the document xerox copy of Adhar-card and certificate of registration of the vehicle. Perusal of above documents shows that applicant is the owner of seized vehicle. Further police filed say and admitted that they seized said vehicle during investigation of crime No.625/2022. In such circumstances no purpose will serve by keeping said vehicle in Police Station, Daryapur. No other person except applicant has applied for seized vehicle. If the seized vehicle will remain in idle at office of Police Station, Daryapur. It's parts will be pilfered and suffer damage.

04. The Hon'ble Supreme Court in case of **Sunderbhai Ambala Desai V/s State of Gujrat, reported in A.I.R., 2003, S.C. 638**, has held that, *the vehicles will have to be released and there is no reason to keep them in police station for a longer period*. Having considered the fact that, the applicant is a registered owner of above mentioned vehicles, it deserves to be released by imposing precautionary and necessary conditions.

05. Further more, the trial will take its own course to get completed till then it will be unjust to detain the property. The apprehension of learned A.P.P. and I.O. can be evaded by imposing certain conditions. The applicant being registered owner of the seized vehicle, he is entitled for the interim custody of the seized vehicle. Hence, I pass following order.

ORDER

- 1 The application is allowed.
- 2 I.O, Police Station, Daryapur is directed to release seized **TVS Jupiter** bearing registration No.MH-27-CT-4726 **Engine No. JJ5AM1700011 and Chesis No.MD626EG52M1A00194** in favour of the applicant Sachin Ganeshrao Bundeale on suprutnama of Rs.50,000/- (Fifty Thousand Rupees Only) and on following conditions :-
 - (i) The applicant is directed to produce the said vehicle as and when required by the Court.
 - ii) It is directed to applicant that he shall not use said vehicle in any crime in future.

(iii) I.O., Police Station, Daryapur is directed to prepare detail panchanama and take four side photographs of the above mentioned vehicle at the expenses of the applicant and submit to this court with charge-sheet.

Daryapur :
Date : 19/10/2022

Sd/-
(Amol Sharad Deshmukh)
Judicial Magistrate, First Class,
Court No. 01, Daryapur.