

MH50030047512026



Cri. M. A. No.710/2026

Mubeen Iqbal Shaikh v.
State of MaharashtraORDER BELOW EXH. 1

Through the present application, the applicant, Mubeen Iqbal Shaikh, seeks return of property under Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as BNSS).

2. Perused the application and documents annexed with it. Perused say of the I.O. and learned APP. Heard learned advocate for the applicant.
3. The applicant has prayed for interim custody of the SUMO GRANDE FE GX of Tata Company's four wheeler vehicle bearing registration no. MH-12-KJ-1021, chassis no. MAT465157A9B04790, engine no. 22LDICOR07BZYJ02294, (hereinafter referred to as the 'said property') seized in the present offence. He stated that he is owner of the said property. It was seized during investigation of C.R. No. 285/2026. Learned advocate of the applicant stated that the applicant is in urgent need of the said property which is lying idle in the police station and needs to be returned to the applicant to prevent its damage. Hence, prayed that the application be allowed.

4. Along with the present application, the applicant submitted photocopies of the said property's RC book, his Aadhar card and FIR. The I.O. and learned APP objected to return of the said property to the applicant on the ground that the said property was used in the commission of offence. If returned to the applicant, it may be transferred or modified. It may also be used for the commission of other offences and not be produced during trial. Perusal of the said documents reveal that applicant is owner of the said property. Therefore, it appears that he is rightful owner and person entitled to have the possession of said property.
5. Further, in view of the judgment of the Hon'ble Apex Court in *Sunderbhai Ambalal Desai v. State of Gujarat* [AIR 2003 SC 638], seized property must be returned promptly so as to prevent their possible deterioration in police custody due to non-use. In view of the above judgment, if the said property remains for long in the police custody, it may get damaged or undergo deterioration. In view of the above, it appears expedient to allow return of the said property to the applicant upon certain terms and conditions until final disposal of the matter. Hence, the following order.

O R D E R

1. The application is allowed vide Section 503, BNSS.
2. The SUMO GRANDE FE GX of Tata Company's four wheeler vehicle bearing registration no. MH-12-KJ-1021, chassis no.

MAT465157A9B04790, engine no. 22LDICOR07BZYJ02294, (hereinafter referred to as the said property) seized in C.R. No. 285/2026 be given in the interim custody of the applicant on furnishing supurtnama of Rs. 2,00,000/- and on fulfillment of following conditions-

- i. The applicant shall not transfer, alienate, mortgage or sale the said property to anybody until conclusion of trial in the present case.
- ii. He should not change the nature, colour, form or appearance of the said property.
- iii. The applicant is also directed to produce the said property before this court as and when required at the time of trial.
- iv. The said property should not be used for commission of any offence.
- v. The concerned I. O. is directed to take coloured photographs of the said property at the cost of the applicant and prepare a detailed panchnama of the said property before handing them over to the applicant.
- vi. The concerned I. O. is further directed to return the said property to the applicant after proper verification.
- vii. Issue letter to the Sadar Bazar Police Station accordingly.

Place - Solapur.
Date- 02.07.2026

(Mahima Saini)
10th J.M.F.C., Solapur.