

ORDER BELOW EXH. 1

Applicant Mangesh Ramdas Kunjir has filed the present application for releasing the motorcycle bearing No. MH-12/HQ-5842 under Sec. 451/457 of Cr.P.C. by contending that the said vehicle has been seized by the police in C.R.No. 245/2018 under Sec. 341, 354(d), 506 of I.P.C., 12 of POCSO Act by alleging that the said vehicle has been used by the accused while commission of the offence.

2. According to the applicant he is owner of the said vehicle. He requires the said vehicle for his day-to-day routine work. Substantive investigation is already completed. No purpose will be served by detaining the vehicle in the police station. He is ready to abide the terms and conditions imposed by the court, therefore, he claimed interim custody of the said vehicle.

3. Prosecution filed say vide Exh. 4 by contending that the vehicle be released on imposing certain terms and conditions.

4. Heard Ld.Counsel for the applicant, Ld.A.P.P. for the State and accused in person. Perused record. It appears that during investigation of C.R.No. 245/2018 the present vehicle has been seized from the custody of the accused. Admittedly, nothing incriminating material has been found on the said vehicle, therefore, no purpose will be served by detaining the said vehicle in the police station. Applicant is the registered owner of the said vehicle (Exh. 3) therefore, no purpose would be served by detaining the said vehicle in the police station however interest of prosecution can be safeguarded by imposing certain conditions.

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Cri.M.A.No. 174/2020
CNR-MHPU01-004872-2020

O R D E R

1. Cri.M.A.No. 174/2020 is hereby allowed.
2. On verification of the original documents of Honda Shine motorcycle No. MH-12/HQ-5842 by the applicant Mangesh Ramdas Kunjir the said vehicle be released on supurtanama with undertaking that the applicant shall not dispose of the said vehicle in any manner till conclusion of the trial.
3. Applicant shall execute indemnity bond of Rs. 50,000/- with undertaking that he will produce the vehicle whenever directed by Ld.Trial Court.
4. The Investigation Officer shall take photographs of the said vehicle and prepare detail panchanama of the said vehicle while releasing said vehicle on supurtanama in favour of the applicant.

Dt. : 27.07.2020

(S. H. Gwalani)
Additional Session Judge, Pune.