

In The Court of S.D.J.M. Lohardaga
Misc. Cr. Application No. 1950/2022
CNR No. JHLH030031332022
Senha P.S Case No. 99/2022

Schedule XLII – High Court (J) 9a [Old (M) 164.]

Serial No.	Date of order of proceeding	Order with signature of the Court	Office notice taken with Date
1	2	3	4
	18.04.2023	<u>ORDER</u> A Petition filed on behalf of petitioner namely Shivilal Mahto on 21.12.2022 which is pressed today for release of Splendor Pro Motorcycle bearing registration No. JH-01BW-1186 was moved. Petitioner claims himself as owner of this above mentioned vehicle. Heard and Perused the Record. It is submitted on behalf of petitioner that vehicle was seized by the Senha PS in Senha PS Case no 99/2022 and vehicle is lying in the open air without proper maintenance, and, therefore, it is losing its value day by day. It is submitted that petitioner used that vehicle daily and detention of the said vehicle shall cause irreparable loss and ready to furnish the bond for the satisfaction of the court. It is, therefore, prayed that the vehicle be released in favour of the petitioner. On the other hand, learned A.P.P. referred to the Police Report which obtained on 20.01.2023 in this regard.	

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Contd... 18.04.2023	It appears from the Police report that above mentioned vehicle has valid paper in the name of petitioner with valid insurance paper and also reported that Police has got no objection if the aforesaid vehicle is released. After perusal of record of this case, it transpires that a F.I.R. has been registered in Senha P.S u/s 414 of IPC and above-mentioned vehicle presently lying in Senha PS in connection thereof. No useful purpose will be served in keeping the vehicle under detention as the same is daily use vehicle and may be damaged due to the works of weather. The Hon'ble Apex Court in the case of Sunderbhai Ambalal Desai V. State of Gujarat [<i>Special Leave Petition (Crl.) No. 2745 of 2002</i>] and C M Mudaliar V. State of Gujarat [<i>Sepecial Leave Petition (Crl.) No. 2755 of 2002</i>] has been pleased to lay down appropriate guidelines with regard to the release of vehicles seized and lying in open in the Police Station. It appears that the petitioner is the owner of the vehicle from the documents produced.
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Contd... 18.04.2023	In the above facts and circumstances the vehicle mentioned above is ordered to be released in favour of the owner/petitioner named above on furnishing an indemnity bond of Rs. 50,000/-(Rs. Fifty Thousand only) with one surety of the like amount with a condition that the owner will get this vehicle insured before plying the same over the road subject to condition that- (i) He shall not sale, mortgage or transfer the ownership of the vehicle on hire purchase agreement or mortgage or in any manner, till conclusion of the trial; (ii) the custody of the vehicles shall be subject to the orders to be passed by the court on conclusion of trial; (iii) He shall not alienate or tamper with the identification of the vehicle in any manner and (iv) He shall produce the vehicle before the competent authority as and when directed by the court; (v) He shall not dispose of the vehicle during the pendency of the case and will not change its colour or its nature. Further concerned Investigating Officer of Senha PS is
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	Contd... 18.04.2023	directed to release the above mentioned vehicle by ensuring the ownership of petitioner on that seized vehicle and if not required in any other case. Let that extract copy of this order be sent to concern P.S. for compliance after acceptance of indemnity bond. (Dictated) Sd/- (Raj Kalyan) S.D.J.M., Lohardaga J.O Code-JH01128	
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