



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
COURT NO.6, NAGPUR.

Cri.M.A. No. 2961/2023

Applicant :- Parshan Singh Joginder Singh Sindhu,
Aged 59 Yrs, Occu. Architect,
R/o. 19, Rajnagar, Katol road,
Opp Tidke School, Nagpur.

– **Versus** –

Non-applicant :- State of Maharashtra
Through, PSO, Police Station, Sadar,
Nagpur.

Advocate for applicant :- Shri. D. J. Sindhu.
A.P.P. for State. :- Smt. D. P. Gedam.

Order below Exh.

(Passed on dated 10th day of August, 2023)

This is an application filed under section 457 of Cr.P.C. for interim custody of **Bajaj Pulsar motorcycle bearing registration No. MH-31-DU-4139**, seized by P.S.O. Police Station, Sadar, Nagpur in Cr. No. 182/2023 of the offence punishable U/s. 379 r.w. 34 of Indian Penal Code.

2] Say of I.O. and Ld. A.P.P. have been called. I.O. filed say at Exh.4 and given no objection to release motorcycle in favour of applicant. Ld. A.P.P. filed her say at the overleaf and prayed to pass suitable order.

3] Heard Ld. Advocate for applicant and Ld. A.P.P at length.

4] In support of application, applicant has filed copy of insurance policy, verified copy of vehicle particulars and verified copy of Adhar Card of applicant.

5] Further, no other person than the applicant has claimed aforesaid vehicle, seized by the police. Furthermore, alleged vehicle is not substantial piece of evidence in the alleged crime. Certainly, no purpose will be served by keeping the above said vehicle in the police station in idle manner. Further, if aforesaid seized vehicle is not properly maintained, it will cause damage to the parts of the vehicle and further cause monetary loss to the owner of vehicle.

6] Hence, it is palpably seen that there is no need to keep aforesaid vehicle lying in Police Station, in idle manner. Considering prima-facie fact of ownership as well as above mentioned facts, the application deserved to be allowed in favour of the applicant. At the same time, for securing the presence of aforesaid vehicle as and when required during trial, reasonable conditions must be imposed on the applicant. In view of the same, I pass following order-

ORDER

- 1] Application is allowed.
- 2] I.O/PSO, Sadar is directed to hand over interim custody of **Bajaj Pulsar motorcycle bearing registration No. MH-31-DU-4139**, in favour of the applicant on executing bond of Rs. 80,000/- (In words Rupees Eighty Thousand only) and after preparing due panchnama and after taking photographs of the vehicle.
- 3] The indemnity bond be executed before the I.O. of this case. The I.O. is directed to tag true copy of this order along with copy of indemnity bond, panchnama and photographs with the charge sheet.
- 4] Applicant shall produce the above mentioned vehicle as and when required by the court. Further the applicant shall not use aforesaid vehicle for commission of any crime.
- 5] Applicant shall not change basic nature of the aforesaid vehicle till conclusion of trial and shall not transfer its ownership till the disposal of the case.
- 6] I.O. is directed to obtain residential as well as identity proof of the applicant.
- 7] Inform to I.O/PSO, Sadar, Nagpur, accordingly.

Date : 10.08.2023.
Nagpur.

(**Sangram S. Jadhav**)
I/c. Judicial Magistrate First Class,
(Court No.6), Nagpur.

CERTIFICATE

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

Name of Stenographer : D. S. Khorgade.