

**ORDER BELOW EXH.1 IN CRI.M.A. NO.830/2026****(Sunil Raju Sonwal V/s. The State of Maharashtra)****(CNR No.MHJG06-005617-2026)**

Applicant namely **Sunil Raju Sonwal**, residing at Shanipeth, Jalgaon, Dist. Jalgaon has filed this application u/s. **503** of the Bhartiya Nagarik Suraksha Sanhita for return of seized property i.e. Bajaj company PULSAR Motorcycle bearing registration No. MH-19-EF-5895 (Engine No. DHXWPF67984 and Chassis No. MD2B68BX7PWF20927) which was seized by the RPF, Jalgaon in connection with C. R. No. 04/2026, for the offence punishable under Section 3(a) of The Railway Property (unlawful possession) Act,1966.

02] According to the applicant, the seized vehicle is lying in the RPF office and there would be damage to the above said property, if the same is kept idle in the said office. Therefore, the applicant required the above said vehicle for his daily use. The applicant is ready to furnish the indemnity bond and ready to abide the conditions as may be imposed by the Court. Hence, applicant prayed that to given the custody of above said vehicle on indemnity bond and certain terms and conditions.

03] The say of Learned A.P.P and I.O. has called. The concerned Investigating Officer submitted in his say that, investigation is in progress. Hence, prayed to pass necessary order.

04] Ld. A.P.P has submitted his say and stated that, serious offence registered against accused in which motorcycle bearing No. MH-19-EF-5895 is used while commission of offence. From say of

Railway Department it reveals that above mentioned vehicle twicely used in the another CR. No. 04/2026 of RPF, Jalgaon Station, therefore accusation is well founded against accused. If application allowed in that event number of offence may be committed by the said motorcycle, further applicant will not secure its physical presence as and when require as it is. Hence, they prayed to reject the present application.

05] I have heard the Ld. A.P.P. and Ld. Adv. for the applicant at length.

06] Perused documents filed on record. On perusal of the verified copy of R. C. Book, it *prima-facie* shows that the applicant is owner of the said vehicle. The applicant filed copy of his Aadhaar Card on record. On perusal documents filed by the applicant on record the applicant shown his legal possession over the seized vehicle. The applicant was using the said vehicle for his personal use.

07] Moreover, I.O also submitted that, investigation regarding the offence is incomplete. The applicant is ready to abide all the conditions as may be imposed by the Court. In Case of **Sunderbhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** the Hon'ble Supreme Court has laid down the guidelines for disposal of property during pending trial. It was held that powers should be exercised expeditiously and judiciously and the court has to pass appropriate orders immediately and articles are not to be kept for long time.

08] In such circumstances considering the nature of offence and progress of investigation, I am of the view that, the detention of seized vehicle with police is not necessary. Hence, I am of the

considered opinion that the applicant is entitled for temporary custody of seized vehicle on certain terms and conditions. In result thereof, I pass the following order-

ORDER

1. Application is allowed.
2. The seized vehicle i.e. Bajaj company PULSAR Motorcycle bearing registration No. MH-19-EF-5895 (Engine No. DHXWPF67984 and Chassis No. MD2B68BX7PWF20927) which was seized by the RPF Police Station, Jalgaon temporarily be returned to the applicant namely **Sunil Raju Sonwal, R/o.- Shanipeth, Jalgaon** on executing his indemnity bond of Rs.50,000/-(Rupees Fifty Thousand only), subject to following conditions that :-
 - a) He shall not use the said vehicle for any kind of illegal and unlawful purpose.
 - b) He shall produce it during the course of trial in the proceeding as and when required by this Court.
 - c) He shall not transfer, create any third party interest or encumbrance over the said vehicle without prior permission of this Court.
 - d) He shall not modify, alter or change the nature and present identification of the said vehicle.
3. The I.O. is directed to prepare detail panchnama and take photographs of the seized vehicle from all directions and obtain signature of the applicant on the reverse side of the photographs before handing over its possession to him. Applicant to bear the costs of the photographs.
4. Issue letter to the RPF Police Station, Jalgaon accordingly.

Place : Jalgaon
Date : 04/08/2026.

(Smt. S. V. More)
Judicial Magistrate First Class,
Jalgaon.