

MHTH190020222022



ORDER BELOW EXH. 1 IN
CRIMINAL M. A. No. 554/2022
(Dilipbhai Wadhiya Vs. State

The applicant is praying for releasing Maruti Suzuki India Ltd. Company's Alto LXI (5S) car registration No. GJ-15/PP-1952, Chassis No. MAEYD81S01063690 Engine No. F8DN3468788 on ^{12/10/2022} ~~suprutnama~~ seized by Dahanu Excise Department Talasari in Crime No. 290/2022 registered under section 12(a) of Maharashtra Gambling Act. ^{20/10/22}

2. APP and I. O. submitted that accused used abovesaid vehicle while committing crime. Hence, ~~They~~ prayed for rejection of the application.

3. The applicant submitted that he is in need the said vehicle for his daily use, he has no concern with the present crime, and it's detention causes obstruction.

4. On perusal of record, it appears that in the present crime above said vehicle has been seized by the Police and the applicant is praying for the custody of said vehicle. Moreover, no one else except the applicant is claiming the custody of the above said vehicle. The applicant claimed to be the owner of said vehicle. Document such as R.C. Book, insurance papers produced on record in support his claim. The seized said vehicle may get damage if remained idle for long period.

5. Considering above mentioned facts above said vehicle be returned to applicant after imposing certain conditions will serve the

purpose of litigation. Hence, I am passing the following order :-

ORDER

- i. The application is allowed.
- ii. The interim custody of GJ-15/PP-1952, Chassis No. MAEYD81S01063690 Engine No. F8DN3468788 on suprutnama seized by Dahanu Excise Department Talasari in Crime No. 290/2022 registered under section 12(a) of Maharashtra Gambling Act be given to applicant Vijaykumar Kikubhai Patel.
- iii. The applicant to execute indemnity bond of Rs.5,00,000/- (Rs. Five Lac only).
- iv. The applicant to produce on record photographs of the said vehicle in different angles. The investigating officer is directed to allow the applicant to take photographs of said vehicle on his own expenses.
- v. The applicant should not sale or create any third party interest in the said vehicle. He should not change the nature of said vehicle in any manner.
- vi. The applicant should produce the said vehicle as and when directed by the Court and he should not indulge himself and vehicle in the similar kind of offence.

Amended as per order
passed by Hon'ble
J. 20/10/22

Dated :- 20.10.2022

(Miss D. M. Gulati)
Judicial Magistrate First Class, Dahanu