

Sessions Case No.512/2025
State Vs. Nilesh Pekhale & Ors.
CNR No.MHNS310036972025

ORDER BELOW EXH.28

1. This is an application by applicant Balu Kisan Wagale for return of muddemal property under Section 497 of the Bhartiya Nagarik Suraksha Sanhita, 2023, file. Through this application the applicant claimed two wheeler vehicle of Honda company, Model Activa-6G DLX, bearing registration No.MH-15-HJ-1507, seized in C.R.No.239/2025 of Nashik-road police station, Tal and Dist. Nashik.
2. Ld. advocate for the applicant argued in the same line that of grounds raised in the application and relied upon documents, filed in support of claim of the vehicle. Ld. APP and Investigating officer filed their say. As per their say, the vehicle is used in the offence, the vehicle is the part of the evidence and there is possibility of disposing off the said vehicle if it is returned to the applicant. Hence, they prayed to reject the application.
3. Perused the material on record. The copy of certificate of registration shows that the applicant is the registered owner of the seized vehicle. The applicant is not accused in the offence in which vehicle is seized. It also appears that the vehicle will deteriorate if it kept lying in police station for indefinite period. In ***Sunderbhai Ambalal Desai V/s. State of Gujrat AIR 2003 SC 638.***, the Hon'ble Apex Court has issued guidelines to pass appropriate orders for

return of the seized vehicles after taking appropriate bond and security observing that, it is of no use to keep seized vehicles at police station for a long period.

4. In view of the guidelines of Hon'ble Apex Court in Sunderbhai's case and considering the nature of the property and the offence in which the said vehicle is seized, this court found substance in the argument of ld. advocate for the applicant that the vehicle will deteriorate, if it kept lying in police station for indefinite period. Therefore, this court is of the opinion that the applicant is entitled for the interim custody of the seized vehicle on executing bond. The anxiety raised by ld. APP and I.O. through their say, can be taken care of by way of imposing stringent conditions. Hence, following order is passed.

ORDER

1. The application is hereby allowed on following conditions.
2. The concerned police station is hereby directed to hand over the seized vehicle, i.e. two wheeler vehicle of Honda company, Model Activa-6G DLX, bearing registration No.MH-15-HJ-1507, seized in C.R.No.239/2025, Tal and Dist. Nashik to applicant Balu Kisan Wagale, on executing indemnity bond of Rs.1,00,000/- (Rs. One Lakh Only) and on verification of ownership documents of the aforesaid vehicle.
3. The applicant is directed to produce the said vehicle as and when directed by the Court/Investigating Officer.

4. The applicant is directed not to change the description of the vehicle including color of vehicle, not to mortgage, sale or alter the said vehicle till the final decision of the case.
5. Before handing over the said vehicle to the applicant, police shall make detail panchanama of its condition, shall take its photographs at the cost of applicant and file the same before the Court.

Date : 30/07/2026
Place: Nashik-road

(K.G.Joshi)
Addl. Sessions Judge, Nashik-road.