



ORDER BELOW EXH. 1 IN O.M.A.No. 958/2026

(Vinod Jayrampant Shriramwar Vs. State of Maharashtra through Pelhar Police Station)

The present application is filed under section 503 of Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), 2023 seeking interim custody of one vehicle i.e. Toyota Innova car bearing its registration No. MH-48/AC-1446, having Chassis No. MBJ11JV4007516507 and Engine No. 2KDU722700, seized by Pelhar Police Station in C.R. No.494/2026 for the offence punishable under section 306 r/w. 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. The applicant submits that, he is owner and possessor of vehicle involved in the present crime. He needed seized vehicle for his daily use. If the seized vehicle kept idle in police station then, its parts will get damaged. He is ready to abide by all the conditions imposed by the Court. Hence, present application.

3. Say of I.O. and A.P.P. is called. I.O. and Ld. A.P.P. objected present application by filling their say. The sum and substance of relevant argument on behalf of prosecution is that, offence is serious in nature. Charge-sheet is yet to be filed. Seized vehicle is directly involved in commission of crime. If seized vehicle is released, it can again used in similar kind of offence. Lastly, prayed to reject the application.

4. It is to be noted that, the application is supported with an affidavit. In support of his claim, the applicant has filed following

documents i.e. copy of FIR, copy of registration certificate, copy of Insurance certificate and Aadhar card of the applicant.

5. As per section 503 of B.N.S.S, whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he deem fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof by imposing certain conditions.

6. In the matter of **Sunderbhai Ambalal Desai Vs. State of Gujrat reported in AIR 2000 (SC) 638**, the **Hon'ble Supreme Court** in para No. 17 held as –

“ in our view whatever is the situation, it is of no use to keep the seized vehicle at that police station for a long period. It is for the Magistrate to pass appropriate order by taking appropriate bond and guarantee as well as security for return of the seized vehicle, if required at any point of time. This can be done pending hearing of the application for return of the seized vehicles ”.

7. It is to be noted that, on the perusal of copy of vehicle registration certificate, it appears that seized vehicle is standing in the name of applicant. The verified copy of Aadhar card shows that the applicant is the same person. Hence, considering the facts in hand and observation of the **Hon'ble Supreme Court** in the matter of **Sunderbhai Desai** cited (supra), if the vehicle is kept in open premises of police station and it is not in use, its parts will get damaged. No purpose will be served by keeping the seized vehicle as stationary. No one except

the applicant came forward for the interim custody of the seized vehicle. He is ready to abide by the terms and conditions imposed by the court. Therefore, the applicant seems to be a fit person to hand over interim custody of the seized vehicle. So far as apprehensions of prosecution is concerned, at the time of allowing application certain conditions are required to be imposed on the applicant. Therefore, the application deserves to be allowed on following conditions. Hence, the order.

ORDER

1. Application is allowed.
2. The interim custody of one vehicle i.e. Toyota Innova car bearing its registration No. MH-48/AC-1446, having Chassis No. MBJ11JV4007516507 and Engine No. 2KDU722700, seized by Pelhar Police Station in C.R. No.494/2026 for the offence punishable under section 306 r/w. 3(5) of Bharatiya Nyaya Sanhita, 2023 be handed over in favour of applicant namely **Vinod Jayrampant Shriramwar** on his executing bond of Supurtnama (Indemnity Bond) of Rs.8,00,000/- (Rs. Eight Lakh Rupees only) and on following conditions:-
 - a) The applicant shall not dispose of the said vehicle, by transfer, mortgage, sale or by any other means without the prior permission of the court.
 - b) The applicant shall produce the said vehicle as and when required by the Court or police.
 - c) The applicant shall not change the colour, nature or description of the said vehicle.
 - d) The applicant shall maintain and preserve said vehicle as it is in all respect during pendency of trial.

- e) The applicant shall not use said vehicle in any crime.
- f) I.O. of Pelhar Police Station, is directed to prepare the condition panchanama of said vehicle and also cause the colour Photograph/s of the said vehicle from both sides at applicant's cost prior to handing over the same to him and counter signed by the him.
- g) Bond before I.O.
- h) The copy of said panchanama and photographs be submitted along-with charge-sheet.

Sd/-

Vasai

Date : 05/08/2026

(M. A. Shelar)

Judicial Magistrate First Class,
(Court No.06), Vasai