

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 805 OF 2022

Sagar Devidas Ambhore	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Ms. Anjali Patil, Advocate for the Applicant.

Mr. Arfan Sait, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	20th SEPTEMBER, 2022.

PER COURT:

1. This is an application for return of Swift Car bearing registration No. MH-04-ET-0389, Model – 2011.
2. The car was allegedly used by accused in C.R. No. 44 of 2021 registered with Shirval Police Station under Sections 379 and 420 r/w 34 of Indian Penal Code. During the course of investigation the car was seized and since then it is in custody of the police.
3. The applicant preferred an application for return of property before the Court of learned J.M.F.C. Khandala, which was rejected vide order dated 27th July, 2021. Thereafter the applicant preferred Criminal Revision Application No. 37 of 2021 before Sessions Court which has been rejected vide order dated 6th January, 2022.
4. Learned Advocate for the applicant submitted that the applicant is not involved in C.R. No.44 of 2021. The car is lying at

Police Station. If not used, it would get damaged. The applicant is willing to execute requisite undertaking / bond that the car would be produced in the Court as per directions of trial Court. The car is registered in name of applicant. Reliance is placed on documents of registration of car.

5. Learned APP submitted that from the impugned orders passed by the Courts below it is apparent that the car is involved in two other cases viz. C.R. No.214 of 2021 registered with Rahuri Police Station and C.R. No.102 of 2021 registered with Sangola Police Station. The applicant is involved in C.R. No. 411 of 2017, C.R. No. 200 of 2019 and 124 of 2018.

6. It is pertinent to note that car was not seized in two other cases registered vide C.R. No.214 of 2021 and C.R. No. 102 of 2021. The car is in custody of Police since 6th March, 2021. No purpose would be served by keeping the vehicle in custody of police. The applicant is not involved in C.R. No.44 of 2021 in which the car is seized

7. Considering these circumstances, on certain conditions custody of the vehicle can be given to the applicant.

ORDER

- i. Criminal Application No. 805 of 2022 is allowed;
- ii. Order dated 27th February, 2021 passed by J.M.F.C., Khandala in criminal M.A. No. 72 of 2021 as well as the order dated 6th January, 2022 passed by the learned Additional Judge, Satara in C.R.A. No. 37 of 2021 are set aside.
- iii. The Swift Car bearing registration No. MH-04-ET-0389 having engine No. D13A1543704 and Chassis No.MA3FKEB1S00654769 be handed over to the applicant on a executing requisite bond before trial Court that the vehicle will not be sold let out to any other person and it will be produced in Court as an when required by the trial Court in present case of in C.R. No. 214 of 2021 registered with Rahuri Police Station or C.R. No.102 of 2021 registered with Sangola Police Station.
- iv. Application is disposed off.

(PRAKASH D. NAIK, J.)