

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

CRIMINAL WRIT PETITION NO.2690 OF 2024

Ganesh Siddheshwar Padule Petitioner

V/s.

The State of Maharashtra & Anr. Respondents

Mr.Someshwar Pawale Patil i/b Mr.Sachin Padaye, for the
Petitioner.

Mr.Shrikant H. Yadav, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th APRIL 2025

P.C:-

. By this Petition, the Petitioner has challenged the order dated 30th March 2024 passed below Exhibit-3 in Special Case No.79 of 2023 by learned Special Judge at Pandharpur, whereby the learned Special Judge has rejected the Application of the Petitioner to release the motorcycle seized in the crime No.617 of 2023.

2. It is contention of the learned counsel for the Petitioner that, the Petitioner has been charged under Section 354, 354D read with Section 34 of the Indian Penal Code, 1870

(‘IPC’ for short) and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (‘POCSO’ for short).

3. The motorcycle of the Petitioner has been seized in connection of the said crime. The Petitioner had filed Application for release of the said motorcycle, but learned Judge has rejected the Application on the ground that, the said motorcycle was used in the crime.

4. The learned counsel for the Petitioner submitted that, since last 18 months, the said motorcycle is kept in Police Station. Due to not using of the said motorcycle rusting has been started on it. The Petitioner needs use of the said motorcycle in day to day activities and requested to allow the Application.

5. It is contention of the learned APP that, the motorcycle is used in crime. The offences registered against the Petitioner are under the provisions of the POCSO Act. The learned Special Court has passed well reasoned order and no interference is required in it.

6. I have heard both learned counsel. Perused impugned order.

7. While passing the order the learned Special Court has observed that, the motorcycle was used in the crime and it is part of the evidence, if it is released the Petitioner may destroy it.

8. In my view, the Petitioner is owner of the said motorcycle. The Petitioner has been released on bail in the said crime. If direction is given to the Petitioner not to destroy or not to sell the said motorcycle till conclusion of trial, it would suffice and I pass following order.

ORDER

(i) The impugned order passed by the Special Court below Exhibit-3 in Special Case No.79 of 2023 dated 30th March 2024 is quashed and set aside.

(ii) The motorcycle bearing No.MH-13/DR-7480 be returned to the Petitioner on indemnity bond as per procedure.

(iii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)