

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6131 OF 2024**

Rajashri Nanaso Bhosale

...Petitioner

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Rajaram V. Bansode a/w Mr. Mohan M. Chavan for the petitioner
Mr. A. S. Shalgaonkar APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th NOVEMBER, 2025.

P.C.

1. Heard learned counsel for the petitioner and learned APP. The challenge in this petition is, the order dated 7th October 2024 passed by learned Special Judge, (MPID Act), Satara below Exhibit 24 in Special MPID Case No. 53 of 2024 thereby rejecting the application of the petitioner for release of the vehicle.

2. It is contention of learned counsel for the petitioner that the vehicle which is seized by the police is in the name of the petitioner. The petitioner is ready to give bank guarantee to the said vehicle. The petitioner needs the said vehicle and the petitioner will not sell the said vehicle till disposal of the trial and requested to allow the Writ Petition.

3. It is contention of learned APP that the said vehicle is purchased from the fraud amount invested by the depositors with

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husband of the petitioner i.e. accused no. 1. If the said vehicle is released, the petitioner may sell it or destroy it and requested to dismiss the petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the learned Special Court Satara. The petitioner is ready to give bank guarantee of the said vehicle. If the vehicle is kept in the custody of the police, it may get damaged due to non usage. The petitioner wants to use the said vehicle for her private purpose and she's ready to file affidavit in that regard.

5. In view of above I pass following order.

ORDER

I. The Writ Petition is allowed.

II. The order dated 7th October 2024 passed by learned Special Judge, (MPID Act), Satara below Exhibit 24 in Special MPID Case No. 53 of 2024 is quashed and set aside.

III. Platinum white pearl coloured, Fortuner MT, Chassis No.MBJAA3GS900580724-0123, Engine No.1GDA695734, bearing registration No. MH-11-DD-6655 seized in Crime No. 874/2023, be given in the custody of applicant on following terms and conditions -

a) Applicant shall execute undertaking to produce the vehicle as and when directed by the Court, failing which, liability to pay penalty of Rs. 5000/-

(Rs. Five Thousand Rupees only) per occasion on failure to produce the vehicle.

b) Applicant shall undertake not to use the vehicle for any illegal purpose.

c) Applicant shall not dispose off, alienate, incumber, create third party right, modify, change it completely beyond recognition or part with possession of the vehicle pending the trial.

d) Applicant shall furnish photographs of the vehicle displaying the registration number, colour, etc. and said photographs should be attested or countersigned by informant, accused, applicant and investigating officer.

e) Before handing over the possession of aforesaid vehicle, detailed proper panchnama of it be prepared.

f) Applicant shall execute bond of Rs. 30,00,000/- (Rs. Thirty Lakhs only) that, if she fails to obey aforesaid conditions, she will liable to pay penalty of Rs. 30,00,000/- (Rs. Thirty Lakhs only).

IV. Inform concern police station, accordingly.

6. The Writ Petition is disposed of in above terms.

(SHIVKUMAR DIGE, J.)