



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL WRIT PETITION NO. 112 OF 2025**

**PETITIONER :** Ambadas s/o Radhakisan Sanap,  
Aged about 40 years, Occupation :  
Business, R/o Thakur Pimpalgaon,  
Tah. Shevgaon, District Ahmednagar  
( .. Original Accused No.1.)

**VERSUS**

**RESPONDENT** State of Maharashtra, through its  
Police Station Officer, Police Station Lonar,  
District Buldhana.

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Mr. C.R. Sharma, counsel for the petitioner.  
Mr. M.J.Khan, APP for respondent/State.  
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**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATE : 14/08/2025**

**ORAL JUDGMENT :**

1. Heard.
2. **RULE.** Rule is made returnable forthwith. Heard finally with consent of the learned counsel appearing for both the parties.
3. By this writ petition, the petitioner has challenged the

order passed by the Judicial Magistrate First Class, Lonar, rejecting the application for release of the vehicle. The crime was registered vide crime no. 08/2020 for the offence punishable under Sections 406 and 409 read with Section 34 of the Indian Penal Code. As per the case of the prosecution, at around 6:30 to 7:00 p.m. a vehicle bearing Truck No. MH-16-CC-2423 was carrying near about 257 quintals and 50 kg of soyabean bardana and transporting the same through the driver, namely Satish Kiranrao Dahifale, to Nagpur worth Rs. 11,05,862/-, and it was not delivered at a proper place. During the course of the investigation, the truck was seized bearing registration No. MH-16-BC-6048, having chassis No. MAT466422F5B01679, and having Engine No. 51A84204434. On the basis of the said report, a crime was registered for the offences punishable as mentioned above. After completing the investigation of the above-said crime, the investigating machinery had filed the charge-sheet and the case was registered as Regular Criminal Case No. 142/2022. Thereafter, the present petitioner approached the trial Court for releasing the same vehicle, being that he is the owner of the said vehicle. He contended that he was ready to produce the said vehicle as and when required for the purpose of the trial, if the said vehicle is kept in the police station, it would

become worthless. Therefore, he requested to release the vehicle by imposing certain conditions. However, the Judicial Magistrate First Class rejected the said application on the ground that the engine number does not match with the actual engine number of the vehicle, which is mentioned in the FIR.

4. Being aggrieved and dissatisfied with the same, the present writ petition is filed on the ground that the observation of the trial Court is erroneous, as number of the vehicle and the chassis number is matching with each other. It is further contended that keeping the vehicle idle at the police station, it would be worthless. The contention of the petitioner is supported by the registration certificate, which shows that the present petitioner is the registered owner of the said vehicle. The said vehicle is also not hypothecated to any financial institution. The petitioner has shown his willingness to produce the same as and when required for the investigation purpose of the trial and is also ready to abide by all the conditions imposed at this stage.

5. Learned APP strongly opposed the said application and supported the order passed by the Judicial Magistrate First Class. He fairly submitted that he communicated with the

investigating officer, and the investigating officer has no objection to release the vehicle by imposing certain conditions to secure its production before the trial Court at the time of the trial.

6. After hearing both sides and on perusal of the record, it reveals that the present petitioner is the registered owner of the said vehicle. The chassis number of the said vehicle is mentioned in the registration certificate. Though there is some mistake as far as the engine number is concerned, which is mentioned in the FIR and mentioned in the RTO certificate. However, the other documents show the ownership of the present petitioner over the said vehicle. Admittedly, if the said vehicle is kept at the Police Station, it would become worthless. The petitioner's earnings are dependent upon the said vehicle, and therefore the petition of the petitioner deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a] The writ petition is **allowed**.
- b] The petitioner shall execute the bond for the vehicle truck bearing no. MH-16-BC-6048 having chassis number MAT466422F5B01679 to be

released temporarily to the present petitioner on executing a bond of Rs.10,00,000/- for satisfaction of the Court.

- c] The vehicle truck bearing No.MH-16-BC-6048 shall be released temporarily upon tendering the photocopy of the document of ownership of the vehicle to the satisfaction of the Magistrate.
- d] The custody of the truck is handed over on condition that the vehicle shall not be used in any crime.
- e] The petitioner shall provide photographs of the vehicle from all sides to the Investigating Officer. The detailed panchanama of the vehicle shall be made by the Investigating Officer, and place it along with photographs.
- f] The petitioner shall not hand over possession of the vehicle to a third party or shall not alienate or create a charge in any manner and shall not change the appearance of the vehicle's outer or

inner till the conclusion of the trial.

g] The petitioner shall produce the said vehicle as and when asked for before the trial Court for the identification parade.

h] The writ petition stands **disposed of**.

Rule is made absolute in the above mentioned terms.

**[URMILA JOSHI-PHALKE, J.]**