



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1775 OF 2025

Shakil Fattumiya Shaikh

VERSUS

The State Of Maharashtra And Another

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- Mr. Potdar Eklavya Sandesh, Advocate for the Petitioner
- Mr. R. K. Ingole, APP for Respondent No. 1 – State
- Ms. Aena H. Pachpute, Advocate for Respondent No. 2 – Original Accused – Sandesh Pawar

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CORAM : MEHROZ K. PATHAN, J.

DATED : 15.04.2026

PER COURT :

1. The petitioner has filed the present petition praying for release of the vehicle on supurdnama under Sections 451 and 457 of Cr.PC. The petitioner claims to be a bona fide purchaser of the vehicle vide agreement dated 31.12.2024 from the original owner Sandesh Pawar, who is an accused in Crime No. 820 of 2023, registered for the offences punishable under Sections 420, 406 read with Section 34 of IPC and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act.
2. Learned counsel for the petitioner submits that the petitioner is in need of the said vehicle for his routine business and the vehicle is

lying in the premises of the police station. Learned counsel further submits that the petitioner is ready to abide by any condition that may be imposed by this Court. It is submitted that the agreement entered into between the petitioner and the accused Sandesh Pawar was executed without knowledge that the vehicle was involved and seized in Crime No. 820 of 2023, in which Sandesh Pawar is an accused. The petitioner is ready to furnish an undertaking to produce the vehicle as and when directed by the learned Trial Court. Hence, it is prayed that the vehicle be released in custody of the petitioner.

3. As against this, the learned APP strongly opposes the present petition on the ground that the accused Sandesh Pawar continues to be the owner of the vehicle as per the records of the Regional Transport Office. It is submitted that a huge fraud has been committed by the original accused Sandesh Pawar. Properties belonging to the said accused and his associates have been sought to be seized and are proposed for attachment under Section 5 of the MPID Act. It is further submitted that the petitioner knowingly entered into the agreement dated 31.12.2024 and purchased the vehicle despite being aware that the owner was an accused in the present crime and must face the consequences. The vehicle came to be seized on 26.09.2025 and a seizure panchanama was prepared. The vehicle is proposed to be attached and a proposal is

contemplated to be forwarded to the competent authority for sanction. It is contended that the petitioner is not the registered owner and there is every likelihood that he may transfer the vehicle to a third party, thereby creating complications and placing the vehicle beyond the reach of the investigating agency. It is further submitted that attachment and auction of the vehicle would assist in compensating depositors. The petitioner has failed to make out a case and the learned Trial Court has rightly rejected the application. Hence, the petition is devoid of merit and liable to be rejected.

4. I have gone through the FIR and the say of the prosecution opposing the present petition. The record indicates that the original owner Sandesh Pawar is an accused in the aforesaid crime registered under the provisions of the MPID Act. The petitioner entered into an agreement dated 31.12.2024 with the said accused. Though the petitioner's name is not recorded in the RTO records, the seizure panchanama as well as the prosecution's say indicate that the vehicle was seized from the possession of the present petitioner. The learned APP, upon instructions, submits that as of now no proposal has been forwarded to the competent authority seeking attachment of the seized properties. The vehicle in question is a Maruti Suzuki SX4. The petitioner is not an accused in the present case. Though the ownership still stands in the name of Sandesh Pawar, the petitioner is

willing to furnish an undertaking and deposit an amount to establish his bona fides. The vehicle is lying in the vicinity of Ambad Police Station, Tq. Ambad, District Jalna, and if kept at the police station for a long period, it would be exposed to natural elements and likely lose its value. Therefore, it would be appropriate and expedient in the interest of justice to release the vehicle on appropriate conditions so as to prevent depreciation of its value.

5. Perusal of the impugned order shows that the application for release of the vehicle was rejected mainly on the ground that the accused Sandesh Pawar had objected to such release. However, the said accused is present before this Court pursuant to the notice issued, and his advocate submits that they have no objection to the release of the vehicle in favour of the present petitioner. The petitioner is willing to comply with all conditions and furnish an undertaking. Considering that the petitioner is ready to demonstrate his bona fides by depositing an amount and giving an undertaking, I am inclined to exercise jurisdiction under Article 226 of the Constitution of India, however upon certain conditions. Hence, the following order:-

ORDER

A) The Criminal Writ Petition is allowed.

- B) The impugned order dated 01.12.2025 passed by the learned Additional Sessions Judge, Ambad in Cri. Misc. Application No. 35 of 2025 is hereby quashed and set aside.
 - C) The vehicle (Maruti Suzuki SX4) shall be released in the custody of the present petitioner upon the condition that the petitioner deposits an amount of Rs. 25,000/- in cash before the Trial Court within a period of two weeks.
 - D) The petitioner shall attend the concerned police station along with the said vehicle for inspection by the police once in two months, on the 1st day of the month, commencing from 1st May, 2026.
 - E) The petitioner shall not create any third-party interest in the vehicle nor transfer it in the name of any other person.
 - F) The petitioner shall furnish an undertaking to produce the vehicle before the Trial Court as and when directed.
6. It is, however, made clear that if any proposal for attachment of the vehicle is approved by the State Government under Section 5 of the MPID Act, the Special Court under the said Act shall be at liberty to take appropriate steps to make such attachment of the vehicle absolute and to proceed with auction of the vehicle as per the procedure under the MPID Act. Needless to state that the vehicle is handed over to the petitioner only for temporary custody for its use

and maintenance. Any observations or findings recorded herein shall not entitle the petitioner to claim ownership of the vehicle on the basis of the void agreement dated 31.12.2024, which is prima facie executed after registration of the crime against the original accused, Sandesh Pawar. The petitioner is granted temporary custody of the vehicle subject to the conditions imposed hereinabove. Any breach of these conditions shall entitle the prosecution to seek cancellation of this order and for seizure and confiscation of the vehicle by moving an appropriate application before the Trial Court.

7. With the above directions, the petition is allowed and disposed of in the aforesaid terms.

(MEHROZ K. PATHAN, J.)