

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5082 OF 2025

Mahesh Bandi s/o Bandi Krishna Rao. ... Petitioner

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Mitelesh Mishra a/w. Ms. Neha Balani, Mr. Dhammaraj Shejul, Ms. Pratiksha More, Advocate for Petitioner.
Mr. D.J. Haldankar, APP for Respondent No. 1-State.
Mr. Kuldeep Patil a/w. Mr. Sumit Kumar Nimbalkar, Advocate for Respondent No. 2 CBI.

CORAM: N. J. JAMADAR, J.

DATE : 12th MARCH 2026

P.C.:

- 1.** Heard the learned Counsel for the parties.

- 2.** The challenge in this Petition is to the Judgment and order dated 13th August, 2025 passed by the learned Additional Sessions Judge, Pune, in Criminal Revision Application No. 157 of 2025 whereby the revision preferred by the Petitioner against an order dated 13th March, 2025 passed by the Chief Judicial Magistrate, Pune thereby rejecting an Application for the return of cars (1)

MERCEDES-BENZ, Polar White Colour, Chassis No. W1N1671196M0133531122, Engine No. 65492081522551, and 2) Alturas G4 from Mahindra and Mahindra, Perl White colour, Chassis No.MAINX2PDGN6G88764, Engine No. 67296022666434, seized by the investigating agency during the course of investigation, came to be dismissed by affirming the order passed by the learned Chief Judicial Magistrate, Pune.

3. The Petitioner is arraigned in C.R. No. RC-2312024S0010 for the offences under section 61 and 318 of the Bharatiya Nyay Sanhita, 2023 and Sections 66D read with 75 of the Information Technology Act, 2000. A search was conducted at the residence of the Petitioner i.e. Flat No. 401, Cozy Residency, Secretariat Colony, Puppalaguda, Ranga Reddy, District Telangana. In the course of the search, two vehicles were seized i.e. (i) Mercedes-Benz, Polar White, Registration No. TS07JP5757 (TG07CGTR9684), Chassis No. W1N1671196M0133531122, Engine No. 65492081522551, financed by Vijaykant Finance; and (ii) Mahindra Alturas G4, Registration No. TS07JS2929, Chassis No. MA1NX2PDGN6G88764, Engine No. 67296022666434 financed by IndusInd Bank.

4. The Petitioner preferred an application for return of the vehicles seized during the course of investigation. By an order dated 13th March, 2025, the learned Chief Judicial Magistrate rejected the application opining that the possibility of purchase of seized vehicles out of proceeds of crime cannot be ruled out.

5. In the impugned Judgment, the learned Additional Sessions Judge has concurred with the view of the learned Chief Judicial Magistrate and observed that, since the Petitioner was not protected by an order of pre-arrest bail and the Petitioner had not appeared before the Investigating Officer to explain the source of acquisition of the seized cars, the Petitioner was not entitled to relief of return of the cars during the pendency of the investigation and trial.

6. Incontrovertibly, the Petitioner is the registered owner of the subject cars. Subsequent to the impugned order passed by the Additional Sessions Judge, the Petitioner has been granted Ad-Interim Pre-arrest Bail by an order dated 20th November, 2025 by this Court.

7. The aspect as to whether the subject cars have been acquired out of the proceeds of crime is a matter for investigation/trial. The detention of the vehicles in the police station for long time would serve no useful purpose.

8. A profitable reference can be made to the judgment of the Supreme Court in the case of *Sunderbhai Ambalal Desai vs. State of Gujarat*¹, wherein the Supreme Court has emphasised that it is of no use to keep the seized vehicles at the Police Station for a long period. The Supreme Court has delineated the approach to be adopted by the Court in dealing with an application for the return of the seized vehicles. The observations in paragraphs 17 and 18 read as under:

“17. In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be

1. (2002) 10 Supreme Court Cases 283.

auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.”

9. In view of the aforesaid position in law, and having regard to the time lag since the registration of the FIR and seizure of the vehicles, this Court does not find any justifiable reason to further detain the vehicles. The Petition deserves to be allowed. Hence, the following order :

ORDER

- (i) The Petition stands allowed.
- (ii) The impugned order as well as the order passed by the learned Chief Judicial Magistrate stand quashed and set aside.
- (iii) The application for return of the vehicles stands allowed.

(iv) The learned Chief Judicial Magistrate shall pass an appropriate order to return the vehicles to the Petitioner subject to furnishing an appropriate undertaking on an affidavit and Indemnity Bond to the satisfaction of the learned Chief Judicial Magistrate, within a period of one week from the date of communication of this order.

[N. J. JAMADAR, J.]