

MHMM130077342024 	Cri. Misc. Appln. No. 1460/2024 Under Section 457 of Cri.PC. Suraj Shivnath Prasad Vs. The State of Maharashtra (Through Deonar P.S.)
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ORDER BELOW EXH. 1
(Passed on 09/08/2024)

1. Perused the application and document produced therewith. Read the say of I.O. & Ld. APP filed respectively at Exh.04 and Exh.05. Heard both side.
2. The present application is moved by applicant/complainant Suraj Shivnath Prasad for releasing seized Motorcycle Activa 6G DLX, Colour Peral Siren Blue bearing Registration No. MH-01-EG-4866 in crime no. 304/2024 under Section 303(2) of BNS at Deonar Police Station, Mumbai. It is submitted that, Mr. Sunil Kumar Gautam is his friend and register owner of the said vehicle. That the said vehicle stolen away from his possession, he has lodged complaint. The register owner of vehicle does not have any objection, if the said vehicle is handed over to him. He is entitled for its possession and ready to abide all terms and conditions imposed by the Court.
3. I.O. mentioned in his say that, in crime no. 304/2024 under Section 303(2) of IPC, Deonar Police has seized Motorcycle Activa 6G DLX, Colour Peral Siren Blue having registration no. MH-01-EG-4866. The

Investigating Officer prayed to pass appropriate order. The Ld. APP also supported that appropriate order may be passed by imposing conditions.

4. The Applicant has produced Copy of FIR, Copy of his Aadhar card, Copy of Registration Certificate of vehicle. The register owner Shrikant Gautam Kumbhar appeared before Court and filed affidavit of no objection to hand over the possession of vehicle to the applicant.

5. From the document on record it appears that, at the time of incident applicant was in possession of seized vehicle having registered no. MH-01-EG-4866. The registered owner of the said vehicle Shrikant Gautam kumar has given no objection to hand over the vehicle to applicant. Further, the vehicle is now lying in police station, the possibility of the damage caused to it cannot be ruled out. The trial would takes its own time. At this stage, Court should not have to look ownership of the seized vehicle, but the person who is proper for the interim custody. Considering the nature of the seized property is a Motorcycle and need care for its preservation, applicant is appeared to be a proper person who is entitled for the interim custody of the seized vehicle. In result pass the following order :-

O R D E R

1. Application stands allowed.

2. Seized Activa 6G DLX, Colour Peral Siren Blue bearing Registration No. MH-01-EG-4866, Engine No. JK15EW3067716 and Chasis No. ME4JK154KNW067658 worth Rs.25,000/- seized in Cr. No. 304/2024 under Section 303(2) of BNS registered as Police Station Deonar be handed over to the applicant on executing his indemnity bond Rs. 25,000/-

upon Stamp of Rs. 500/- before Police Station Officer of Deonar Police Station.

3. I.O. is directed to prepare detail panchanama and take photograph of the seized property before handing over to the applicant and it shall be kept on file and submit in the Court along-with chargesheet.

4. The applicant shall undertake not to sell, transfer, mortgage or dispose off the above said vehicle in any manner or shall not make any changes in its body, colour.

5. The applicant shall further undertake to produce the said vehicle as and when required by I.O. and the Court.

(Order is dictated and pronounced in the open Court.)

Mumbai,
Dt. 09.08.2024

(Dipak R. Deshmukh)
Judicial Magistrate(First Class),
45th Court, Kurla, Mumbai.