

ORDER ON APPLICATION U/S.457 OF
Cr.P.C.

Claimant-applicant Neha T D/o Thimmareddy H has filed application u/s.451 and 457 of Cr.P.C. for release of the Honda Activa 3G scooter bearing No.KA-53-EP-9542 for her interim custody on the ground that she is the owner and RC holder of said vehicle that has been seized by the Police and the vehicle is required for day to day use and if it is kept idle, it may deteriorate. She is ready and willing to abide by any terms and conditions. Hence, prayed for release of the vehicle to her interim custody.

2. The learned Public Prosecutor has filed objections along with the IO report opposing application and it is contended that the said vehicle has been used for the purpose of commission of offence and it is required for identification during trial. If the said vehicle is released, claimant-applicant may sell or

change the identity of said vehicle thereby causing damage to the prosecution story. Hence, prayed to reject the application.

3. Heard both sides.

4. The only point that arise for my consideration is as under ;

1. Whether the applicant has made out grounds for the release of Honda Activa 3G scooter bearing registration No.KA-53.EP-9542 to her interim custody?

5. My finding on the above point is in Affirmative for the following;

REASONS

6. The records reveal that Honda Activa 3G scooter bearing registration No.KA-53.EP-9542 has been seized and detained by the complainant Police with the permission of Court in P.F.No.44/2020. Claimant-applicant has produced a copy of RC and insurance.

The said documents reflects that the applicant is the owner of the said vehicle.

7. It is pertinent to mention here that, if the vehicle is kept unused, it may deteriorate and become scrap. It may be required for day to day use of claimant-applicant. The grievances of prosecution can be met by imposing conditions and taking security. Hence, I hold that the claimant-applicant is entitled for release of said vehicle for her interim custody. In the result, I proceed to pass the following:

ORDER

The application filed by the claimant-applicant u/s.451 and 457 of Cr.P.C. is hereby allowed.

The Honda Activa 3G scooter bearing registration No.KA-53.EP-9542 is ordered to be released in favour of claimant/applicant on her executing Indemnity bond for Rs.50,000/- with one

surety for the like sum subject to the following conditions:

1. The claimant-applicant shall not alienate the said vehicle to anybody till disposal of the case and not to change the colour or structure of said vehicle.

2. She is directed to produce the said vehicle before the Court as and when directed.

The Investigating Officer is directed to take two colour photographs of said vehicle from different angles before releasing the vehicle in favour of the claimant-applicant at the cost of claimant and to produce them before the Court within 15 days from the date of release.

VI ADJ.