

Advocate Sri. ACS., filed application U/s 451 & 457 of Cr.P.C. on behalf of Petitioner by name Naveen S/o Nanjegowda with a prayer to release the JCB 3DX 2WD bearing Registration No. KA-53-M-4872 seized by the Nandagudi police under P.F.No.87/2019 dated: 26.04.2019

The offences alleged against the accused are U/s 22 Mines and Minerals Act 1957, Sec. 3 of PDPP Act

The Learned App filed objections to above said application.
Heard arguments on both sides.

The applicant herein had produced the certificate of registration RC's to evident that he is the owner of the vehicle seized in this crime. The said documents have been perused and the copies of the said documents are kept in file. The documents produced by the applicant shows that he is the owner of the said vehicle. At this stage of the case there are no rival claimants. When such being the case detention of the vehicle in the police station may not serve any purpose. Therefore detention of the vehicle in police station is not necessary.

Direction is also given to the applicant to produce the vehicle whenever it is required for investigation. Hence I proceed to pass the following:

ORDER

The application filed by the Petitioner is allowed.

The JCB vehicle bearing Registration No. KA-53-M-4872 seized as per P.F. No.87/2019 dated: 26.04.2019 is ordered to be released to the interim custody of the applicant on his executing Indemnity bond for Rs.8,00,000/- and surety for the likesum. Subject to the following:

Conditions:-

1. Applicant shall not alienate the above said vehicle and shall not alter the colour and nature of the vehicle till disposal of the case.
2. The applicant shall produce the vehicle before the court as and when directed.

3. The IO is directed to take sufficient photos at the cost of the applicant and also directed to produce the same along with negatives or C.D. before the court.
4. Applicant shall not use the said vehicle in any similar kind of offences.

Surety by name Venkategowda S/o Dodda Marappa, aged about 47 years, R/at Nagarenahalli Village, Sulibele Hobli, Hosakote Taluk is present and filed surety affidavit along with xerox copy of Property Tax Receipt RTC Extract and Aadhar ID card. Perused the surety affidavit, Satisfied. Hence surety accepted.

Intimate the same to the concerned police to release the vehicle. Indemnity bond duly executed.

Issue release order.

Call On:

Addl. Civil Judge & JMFC., Hosakote.