

Notice Case No.125/N/2018

Bandra Police Station

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY

1] This is an application filed by applicant for returning of property i.e. three laptops (2 Dell Company and 1 HP Company) worth Rs.60,000/- seized in C.R. No.654/2017 by Bandra Police Station.

2] The Ld. APP filed say and submitted that the applicant is original complainant. The court may impose condition that the property be produced as and when required. The Investigating Officer filed say, gave no objection to handover custody of seized articles i.e. one Laptop of H.P. Company and two laptops of Dell Company seized in C.R. No.654/2017 to the applicant on certain terms and conditions.

3] In support of application the applicant has filed on record his "Affidavit" and has given undertaking. The applicant has filed on record xerox copy of F.I.R. dtd. 27/12/2017.

4] At this stage except applicant there is no other claimant who has claimed the custody of seized articles. The seized articles are electronic equipment and it may get damaged permanently, if remained with police stn. for long period. No purpose is likely to be served by keeping the said articles at police station till the conclusion of trial. If seized property is handed over to applicant on bond by way of interim custody no serious prejudice or harm would be caused to accused and prosecution. Hence, application deserves to be allowed on certain terms and conditions. Therefore, I pass the following order:

ORDER

1] The application is allowed.

2] The seized articles i.e. one laptop of H.P. Company and two laptops of Dell Company worth Rs.60,000/- seized in C.R. No.654/2017, by Bandra Police Station be returned to the Applicant Mr. Shahid Aboobakar Merchant residing at 12, 3rd Floor, Vaikunth, Mount Merry Road, Bandra W, Mumbai on executing indemnity bond of Rs.80,000/- (Rupees Eighty Thousands only) with condition that -

- a) The applicant shall not to sell, transfer, alienate, dispose off or handover the said seized laptops to third person without prior permission of Court.
- b) The applicant shall produce the said laptops as and when directed by the Court or I.O. in the trial or in the course of investigation as and when directed.
- c) The applicant shall follow the conditions imposed on him scrupulously.

3] The I.O. is directed to take the above indemnity bond of applicant and shall return the muddemal on due verification of applicant. I.O. further directed to file indemnity bond in the Court. On filing of indemnity bond, it be attached with the charge-sheet.

Order accordingly.

Sd/-

Mumbai
Date: 16/02/2018

(R. S. Sarkale)
Metropolitan Magistrate
12th Court, Bandra, Mumbai