

MHTH220097812026



ORDER BELOW EXH-03

(Passed On 10th Day of August, 2026)

- 1) This is an application under Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 to release of property.
- 2) It is the contention in the application that Vasai Road Railway Protection Force has seized the articles i.e. *Hair Rubber and other articles* for the offence punishable under section 144(1) of the Railway Act in Cr. No.3006/2026. The Applicant is ready to abide by the terms and conditions if imposed by this Court, while releasing the property supra as per order of Hon'ble Court.
- 3) Heard Ld.PP for Railways and applicant at length.
- 4) Perused the documents on record. In the case at hand, the seized i.e. Hair Rubber and other articles which are required to kept in running condition for maintaining its condition as it is. If it is kept lying in the custody of police station as it is, then there is likelihood of degrading its condition. It will certainly cause loss to the applicant. On the other hand the applicant submitted that his business is depend upon seized property. So, considering the above discussions it revealed that the inquiry regarding seized muddemal is over. Applicant appears to be rightful person entitled to the custody of Muddemal property as described supra. The direction given by Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai v/s. State of Gujarat* reported in AIR 2003 Supreme Court 638 are applicable to case in my hand.
- 5) Moreover, it appears that the muddemal property is the earning source for daily wages of the applicant. Therefore, it would be proper to take undertaking from the applicant instead of bond.

Hence, I am inclined to allow this application and release the property on certain conditions. Hence, I pass the following order ;

ORDER

- i. Application is allowed.
- ii. A seized the Hair Rubber and other articles for the offence punishable under section 144(1) of the Railway Act in Cr. No.3006/2026 registered at Railway Protection Force, Vasai Road shall be released on undertaking of Rs.2,000/- (Rupees Two Thousand's) on the conditions that, until the conclusion of trial of the case,
 - a) *Applicant shall not change the colour, shape, size or structure of the seized property nor shall he alienate the property in any manner,*
 - b) *Applicant shall produce the property as and when directed by the Court.*
- iii. Applicant shall furnish the undertaking supra before the Court.
- iv. Issue letter accordingly.

Place: Vasai Road
Date : 10/08/2026

(P. P. Bagul)
Judicial Magistrate First Class,
Virar Railway.