

ORDERS ON APPLICATION FILED U/sec. 457 OF CR.P.C.

This application is filed by the applicant by name Manoj S/o Chandrappa Dyavannanavar, U/s.457 praying for the interim custody of the motorcycle bearing No. KA.27/EL-7724 seized by Ranebennur Rural police and produced the same under P.F. No. 28/2019, dated: 26.03.2019 and the same is seized by RNR Rural Police Station in Crime. No. 60/2019 for offence punishable U/S 457, 380 & 511 of IPC and also filed the charge sheet and the investigation is completed.

2. It is averred in the application that on 25.03.2019 at about 19.00 hours the accused No.1 to 4 have tried to stolen the Sheeps belonging to the complainant by removing the knot and at that time, the complainant has observed the same and when he was screaming the said accused persons ran away from the spot then the Ranebennur Rural Police have registered the case against them for the offences punishable U/sec. 457, 380 and 511 of IPC. Further, it is stated that the vehicle mentioned in this application is not at all involved in this case and the police have falsely implicated the vehicle of the applicant and he is the permanent R/o Aremallapura village, Ranebennur Tq. and having movable and immovable properties. In support of the application applicant has produced the notarised copy of R.C. & Insurance policy and death certificate of accused.

3. Further,It is averred in the application that, applicant is the R.C. owner of the said vehicle and the applicant wants to get the vehicle released which is seized in this case for which he is ready to furnish the adequate surety and security for the satisfaction of

the Hon'ble Court and applicant undertake that he will not alienate, transfer the vehicle in any manner till disposal of this case and he will not possible to use in future days, and loose consumption of the vehicle and he is ready to abide by the conditions whichever imposed by the Hon'ble Court and he undertake to produce the vehicle and if the Hon'ble Court does not release the above said vehicle to the applicant, the vehicle will be damaged by the rain and hot., then he will not be able to use. In that event more harm or loss will be caused to applicant and the applicant is ready to furnish the surety and security to the satisfaction of this Hon'ble Court for releasing the vehicle and applicant is ready to execute the indemnity bond and undertake to produce the vehicle before the Hon'ble court as and when so directed hence applicant prays to release the vehicle to his interim custody.

4. The learned APP has not filed objection to the said application.

5. Heard the learned counsel for the applicant on application and perused the materials on record.

6. The points that arises for my consideration are as under:-

1) Whether the applicant is entitled to get release the Motor Cycle bearing Reg.No.KA-27/EL/7724 seized in P.F.No.28/2019 dtd: 26.03.2019 to his interim custody.?

2) What Order?

7. My answer to the above points are as follows:-

Point No.1:- In affirmative.

Point No.2:- As per final order for the following:-

REASONS

8. Point No.1:-

It is contended that, the Ranebennur Rural police has seized the Motor Cycle bearing Reg.No.KA-27/EL/7724 for the offences punishable U/sec.457, 380 & 511 of IPC. Further the Ranebennur Rural Police have filed the charge sheet and the investigation is already completed. Along with this application the applicant has produced the notarised copy of R.C. Insurance Policy and death certificate of accused.

9. On perusal of particulars given in the copy of R.C. and also in the charge sheet is tallying with the said Motor Cycle bearing registered No. KA/27/EL/7724 in P.F. No. 28/2109 dated 26.03.2019. It is also contended that applicant is R.C. owner of the said vehicle and he is ready and willing to abide by the conditions that may be imposed by this court and further ready to execute an indemnity bond for value of the same and the said vehicle is parked in front of the Police station without any care and protection and if the said vehicle is exposed to sun and rain the value of the said vehicle will become deteriorated. The applicant undertakes to produce the said vehicle before this court whenever called for. The applicant further undertakes to not to change the colour, number, transfer or alienate of the same till the disposal of the case until further orders of the court.

10. On perusal of the materials the applicant has produced R.C. Extract which discloses that, the said Motor

Cycle bearing Reg. No. KA-27/el/7724 with chassis No. MBLHAR079HHM29474 stands in the name of applicant by name Sri. Manoj Dyavannanavar. it goes to show that applicant is the R.C. Owner of the motor cycle bearing Reg. No. KA-27/EL/7724

11. However, it is pertinent to note that, there is no rival claimant in this case and also the alleged offence U/s 457,380 & 511 of IPC is triable by this court. Hence at this stage the said vehicle Motor Cycle in the name of applicant and there is no rival claimant in this case and hence I feel just to impose certain conditions for release of the said vehicle and I answer Point No-1 in the affirmative.

12. **POINT N0.2:-** For the reasons discussed above, I proceed to pass the following:-

ORDER

Application filed by the applicant by name Sri. Manoj S/o Chandrappa Dyavannanavar,U/sec.457 of Cr.P.C. is hereby allowed.

The Motor Cycle bearing No.KA.27/EL-7724 is ordered to be released to the interim custody of the applicant on his executing indemnity bond for Rs.50,000/- along with one surety subject to following conditions:-

1. Applicant shall not change the colour, nature and identification of the said vehicle.
2. Applicant shall not alienate or transfer the said vehicle till the disposal of the case.

3. Applicant shall produce the said vehicle before this court as and when directed by this Court.
4. The applicant shall produce the photographs in the presence of I.O. taken before release.
5. The applicant shall produce the vehicle before the Court, whenever called for during the trial of the case.
6. The applicant and his surety shall furnish indemnity bond agreeing for the aforesaid terms and conditions. Violation of any one of the condition would entitled for fore forfeiture of surety and applicant bond.

Prl. Senior. C.J. & JMFC,
Ranebennur.

One surety by name Chandrappa S/o Basappa Dyavannanavar, Age:55 years, Occ: Agriculture R/o Aremallapura village, Tq: Ranebennur, Dist: Haveri, is present and stated that, he is ready and willing to stand as surety to the applicant. He has also filed his affidavit along with house property bearing No.92 situated at Aremallapura village of Ranebennur Taluk, along with Aadhaar card Surety found satisfactory, hence the same is accepted.

*Prl. Senior Civil Judge &
JMFC, Ranebennur.*

C.C.No.960/2019