

ORDER BELOW EXH. 1 IN M.A No. 152/2021
IN C.R. NO. 05/2021 OF MATUNGA POLICE STATION.

Perused the application, say filed by IO & Ld. APP.

2. Heard Learned Counsel Shri.Bhavesb and Shri.Shaikh.

3. Applicant is praying for the return of Suzuki Access bearing no. MH-03-DE-8951. According to the applicant, she is the owner of the said Suzuki Access. It was robbed by somebody. So she lodged report. It is seized by Matunga Police Station. It is not required for further investigation. There is no involvement of the vehicle in the alleged offence. The said vehicle is kept ideal without any proper care in the police station. Lastly, it is prayed to release the vehicle on supurtnama. Applicant undertakes to abide all the conditions which the court deems fit to impose. Hence, the application.

4. I. O. has no objection to release the vehicle subject to conditions. Learned APP has raised objection that the property is necessary for identification and applicant may disposed it of or change its nature.

5. I think that it would be useless to keep the vehicle ideal at the police station. Moreover, it would be subject rust. At the same time the care about the threat of prosecution can be considered by imposing certain conditions on the applicant. Further the applicant has produced the verified copy of the R.C. Book and Adhar card.

6. In view of guidelines in **Sundarbhai Ambalal Desai Vs. State of Gujarat, AIR 2003 Supreme Court 638**, the property needs

to be release in favour of applicant. Hence, I think that application deserves to be allowed subject to certain conditions. Hence, I proceed to pass following order-

ORDER

- 1 The application is allowed.
- 2 The I.O. to hand over Suzuki Access bearing no. MH-03-DE-8951 seized in Crime No.05/2021 of Matunga Police Station to applicant Asma Akhtar Shaikh on Supurtnama on following conditions :-
 - a The applicant shall not alienate or dispose of and change the nature the above said property in any manner till the conclusion of trial, without permission of the Court and shall produce it as and when required by the Court.
 - b The applicant shall execute indemnity bond of Rs.1,25,000/-before the I.O.
 - c The I.O. to prepare detail panchnama of the seized property before releasing it, in favour of the applicant and to take its photos from various angles counter signed by the applicant. The applicant to bear the cost of photography.
 - d The I.O. is directed to attach all papers to the final report, if any.

e Intimate the concerned police station
accordingly.

Mumbai,
Dt. 18.02.2021

(Shailesh A. Bafna)
Metropolitan Magistrate,
30th Court, Kurla, Mumbai.