MHMM130141662024	Cri. Misc. Appln. No. 2380/2024 Under Section 503 of B.N.S.S. James Daniel Bingamal Vs. The State of Maharashtra (Through Deonar P.S.)

ORDER BELOW EXH. 1
(Passed on 21/12/2024)

1. Perused the application and document produced therewith. Read the say of I.O. & Ld. APP filed respectively at Exh.04 and Exh.05. Heard both side.

2. The present application is moved by applicant/complainant James Daniel Bingamal for releasing seized Bajaj Auto-Rickshaw bearing Registration No. MH-03-DC-2969 in Crime No.489/2024 under Section 303(2) of BNS at Deonar Police Station, Mumbai. It is submitted that, he is owner of the said vehicle. That the said vehicle stolen away by unknown person from his possession, he has lodged complaint. He is entitled for its possession and ready to abide all terms and conditions imposed by the Court.

3. I.O. mentioned in his say that, in crime no.489/2024 under Section 303(2) of IPC, Deonar Police has seized Bajaj Auto-Rickshaw bearing Registration No. MH-03-DC-2969. The Investigating Officer has no objection to release the vehicle on certain terms & conditions. The Ld. APP also supported that appropriate order may be passed by imposing conditions.

4. The Applicant has produced Copy of FIR, Verified copy of Aadhar Card, Verified copy of Driving License, Verified copy of Pancard, Verified Copy of Registration Certificate of vehicle & verified copy of Permit.

From the document on record it appears that, at the time of incident applicant was in possession of seized vehicle having registered no. MH-03-DC-2969. The applicant is registered owner of the said vehicle. Further, the vehicle is now lying in police station, the possibility of the damage caused to it cannot be rulled out. The trial would takes its own time. Considering the nature of the seized property i. e. Bajaj Auto-Rickshaw and need care for its preservation, applicant is appeared to be a proper person who is entitled for the interim custody of the seized vehicle. In result pass the following order :-

ORDER

1. Application stands allowed.

2. Seized Bajaj Auto-Rickshaw bearing Registration No. MH-03- DC-2969, Engine No.AZYWKK96674 and Chasis No. MD2A27AY6KWK15713 seized in Cr. No. 489/2024 under Section 303(2) of BNS registered at Police Station Deonar, be handed over to the applicant on executing his indemnity bond Rs.40,000/- upon Stamp of Rs. 500/- before Police Station Officer of Deonar Police Station.

3. I.O. is directed to prepare detail panchanama and take photograph of the seized vehicle before handing over to the applicant and it shall be kept on file and submit in the Court along- with charge-sheet.

4. The applicant shall undertake not to sell, transfer, mortgage or dispose off the above said vehicle in any manner or shall not make any changes in its body, colour.

5. The applicant shall further undertake to produce the said vehicle as and when required by I.O. and the Court.

(Order is dictated and pronounced in the open Court.)

Mumbai,
Dt.21.12.2024

(**Dipak R. Deshmukh**)
Judicial Magistrate(First Class),
45th Court, Kurla, Mumbai.