

Order below Exhibit 1.

1] The present application is filed for the return of muddemal property i.e. **YAMAHA motor cycle bearing No.MH-28-AR-7349 and REDMI NOTE-5 mobile** seized by Police Station, Hiwarkhed in **C.R.No.143/2020** for the offence punishable under section 188, 269 of IPC and section **4, 5 of the Bombay Gambling Act**. The above said muddemal is owned by the applicant. This property was stand in the name applicant. If the said muddemal is kept in idle at police station, the irreparable loss will be caused to him. The applicant is ready to abide the conditions imposed on him by the Court. Hence, the applicant has prayed to return the said muddemal to him on conditions, if any, necessary.

2] Say of I.O. and learned A.P.P. called. The I.O. filed say at Exh.5 and thereby submitted that alleged muddemal is seized from accused namely Siddharth. If the application is allowed then it is possible that the applicant may use the alleged motor cycle and mobile for same offence. Hence, prayed for rejection of the application. The Ld. A.P.P. strongly opposed the application.

3] Heard both parties. It appears from the documents list exh.3 that applicant is the owner of alleged motor cycle and mobile. When he is owner of alleged motor cycle and mobile then this is the fit case to grant custody of alleged motor cycle and mobile in favour of applicant on some following terms and conditions. So, I proceed to pass following order :

- 1 Application is allowed.
- 2 The seized **YAMAHA motor cycle bearing No.MH-28-AR-7349 and REDMI NOTE-5 mobile** be returned to the applicant namely **Siddharth Fakira Wankhade** on executing indemnity bond of Rs.75,000/- (Rupees Seventy Five Thousand only).

- 3 Applicant is also directed not to make use of the said muddemal for any illegal act or offence. He shall not change the colour of muddemal, he shall not transfer the muddemal in any manner to anybody till disposal of above said crime. The applicant shall produce the property in the court as and when directed.
- 4 It is directed to the Investigating Officer that before giving said muddemal to the applicant, he shall draw the panchanama and same be filed with charge sheet.
- 5 It is directed to applicant to execute the indemnity bond before police station.
- 6 The case papers be annexed with charge sheet.

Date : 10-09-2020.

(S.B.Vijaykar)
Judicial Magistrate First Class,
Telhara.

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original .

Name of Stenographer : P.M.Ingle, Steno (Grade-3)
Court Name : J.M.F.C.,Telhara

Date : 10-09-2020
Signed by presiding officer on: 10-09-2020
Uploaded on : 11-09-2020