

MHAU110011112021



ORDER PASSED BELOW EXH.1 IN CR.NO.I-250/2021

(Phulambri Police Station)

1. This application is filed under Section 457 of the Code of Criminal Procedure.
2. Applicant prayed to release **trax cruiser bearing No. MH 19 BU 4008** which was seized by the Phulambri police station in above crime.
3. The applicant has come with the case that he is a registered owner of the above trax cruiser. He used said trax cruiser for his business. The trax cruiser is kept idle with the police station without use. Due to the seizer of the trax cruiser he is in economical difficulty. He is anxious about the damage to the tire and spare parts of the trax cruiser. He is ready to abide by all the conditions in case the vehicle is released.
4. Notice was issued to the I.O. He filed his say. According to them, if the said seized vehicle is released, it will be again used for the said crime therefore, he prayed for passing appropriate order after verifying documents of the vehicle.
5. Heard for both the sides. I have gone through the affidavit filed at Exh.3 in support of the application. The applicant has filed copy of R.C certificate issued by RTO, Jalana. As per the said certificate applicant is registered owner of seized trax cruiser.
6. The Hon. Supreme Court in case of Sunderbhai Ambalal Desai V/s. State of Gujrat, reported in A.I.R., 2003, S.C.,1638, has held that the vehicles will have to be released and there is no reason to keep them in police station. Having considered the fact that the applicant is a registered owner and by imposing necessary conditions registered vehicle can be

released. Accordingly, I pass the following conditional order.

ORDER.

1. Application is allowed.
2. Registered vehicle **trax cruiser bearing No. MH 19 BU 4008** be released in favour of applicant on executing indemnity bond of Rs.8,00,000/- on stamp of Rs. 200/.
3. Applicant shall file two different sureties of Rs.15,000/-.
4. The indemnity bond be executed before the I.O. Who shall produce it along with the charge sheet.
5. The applicant shall produce the vehicle as and when required by the court in respect of the case. He shall not transfer the ownership till disposal of the case.
6. Applicant shall not make material changes in the appearance of the trax cruiser.
7. I. O. is directed to obtain residential, identity proof of applicant, along with the one photographs of trax cruiser.

Date : 21-10-2021.

Sd/-
(A. S. Chonde),
Judicial Magistrate F.C.,
Phulambri.

CERTIFICATE

I affirm that the contents of this PDF file Order are same, word to word, as per the original Order.

Name of the Stenographer : Kailas Kachru Kale.

Court : Civil Judge Jr. Div. & J.M.F.C. Court, Phulambri.

Date : 20-10-2021

Order signed by the
presiding officer on : 20-10-2021

Order uploaded on : 22-10-2021
