

MHKO010013282020



Order below Exh. 5 in Spl POCSO No. 82 of 2020

1. The applicant has filed present application u/s 457 of Cr.P.C. for returning of property i.e. Hero Moto Crop motorcycle, registration No. MH-24-BD-0411 seized by Ispurli Police Station in C.R. No. 24 of 2020.
2. Applicant submits that he has arrested in above CR for the offence u/s. 354(D) of IPC and section 12 of POCSO Act. At that time police also seized his above said vehicle. Applicant is the owner of the said vehicle. The said vehicle is lying at Ispurli Police Station. Applicant is using the said vehicle daily for his business. Applicant is ready to furnish bond. The applicant is ready to furnish the bond that, he will not sell, make any changes, exchange or alienate it to any third party till the conclusion of trial of present crime. He is ready to abide conditions imposed by the court. Hence he prayed to allow the application.
3. Notice of the present application issued to Ispurli police station. They filed their say thereby submits that by putting conditions the vehicle can be hand over to the applicant.
4. After perusal of the FIR, it is observed that the applicant/accused is arrested in the said offence and there is allegation that he used the said vehicle at the time of offence. From the verified copy of RC book and insurance paper, it reveals that the applicant/accused is owner of the said vehicle. It will take time to conclude the trial. The applicant/accused is ready to furnish the bond.

Considering the said fact, by imposing certain conditions, the applicant is entitled to return his property. Hence, I proceed to pass the following order :-

ORDER

1. Application is allowed.
2. Muddemal article i.e. Hero Moto Crop motorcycle, registration No. MH-24-BD-0411 seized by Ispurli Police Station in C.R. No. 24 of 2020, be returned to the applicant Sumit Hansraj Gaikwad, on his executing indemnity bond of Rs. 30,000/-.
3. The applicant is directed to produce the said muddemal as and when called by the court during the trial, as per existing condition.
4. He shall not transfer, sell, exchange or alienate it to any third person till the final conclusion of the trial.
5. He shall not change its existing status till final conclusion of the trial.
6. He shall not misuse the said vehicle in any other crime.
7. Failure to obey any condition, shall be liable for rejection of the present application.

Inform concerned police station accordingly.

'Pronounced in open Court '

Date: 24/06/2020

(Smt. S.R. Patil)
Addl. Sessions Judge, Kolhapur.

I affirm that the contents of this P.D.F. File Judgment/Order are same,word to word, as per the original Judgment/Order.

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| Name of the Stenographer | Sau. S.S. Gosavi |
| Name of Court | Addl. Sessions Judge-2 Kolhapur. |
| Date of Dictation | 24/06/2020 |
| Order signed by the P.O. on | 24/06/2020 |
| Order uploaded on | 24/06/2020 |