



-: Order below Exhibit No. 03 :-

1) This is the application under Section 457 of the Code of Criminal Procedure.

2) By this application, Applicant claiming ACTIVA 5G bearing registered No. MH-49/BF-3245 with Chassis No. ME4JF50BCKU217946 and Engine No. JF50EU8218002. It is the contention of the Applicant that, same is seized in the C. R. No.347/2021 for the offence punishable under Section 122 of Bombay Police Act. Applicant contended that, ACTIVA 5G bearing registered No. MH-49/BF-3245 seized is his property. He did not having concerned with the alleged crime. But, he can produced the same whenever required by the police and by the court. He further contended that, if by imposing conditions said property be given to him, it will not caused any hardship to the prosecution.

3) The learned APP for state files his say and contended that, objected to deliver the property. The Police Station Officer also filed say at Exh.7 and contended that, objected to deliver the property. Thus, it can be said that, Applicant is the lawful possessor and owner of the property. Thus, having considered their submissions, it seems that, applicant appears to be owner of ACTIVA 5G bearing registered No. MH-49/BF-3245 with Chassis

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No.ME4JF50BCKU217946 and Engine No.JF50EU8218002. It is the contention of the Applicant that, same is seized in the C. R. No.347/2021 of Police Station, Saoner. Nobody, except him, claimed any right thereon. Admittedly, it is lying in the said police station and therefore, the possibility of it's being deteriorated can't be denied. Lastly, no fruitful purpose would be served by keeping it in such custody and it may also be preserved for trial, if released conditionally in favour of this Applicant. Hence, the order :-

-: O R D E R :-

1) Police Station Officer, Police Station, Saoner, is directed to release said ACTIVA 5G bearing registered No. MH-49/BF-3245 with Chassis No. ME4JF50BCKU217946 and Engine No. JF50EU8218002. It is the contention of the Applicant that, same is seized in the C. R. No.347/2021 of Police Station, Saoner in favour of the applicant on executing a Supratnama bond in the sum of Rs.60,000/- only.

2) P.S.O. concerned is also directed to prepare detailed panchnama of the said property and may take it's photographs before releasing the same in favour of the applicant.

3) Investigation Officer is hereby directed to send the above said Supratnama or Indemnity bond executed by the Applicant and above mentioned panchnama alongwith charge-sheet. If the Charge-sheet is already filed then send all these documents to the court for placing it with charge-sheet.

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- 4) The application, accordingly, stands disposed off.

Saoner.

Date:13.07.2021

(J. S. Kokate)

Judicial Magistrate First Class, Saoner.

District Nagpur.

C E R T I F I C A T E

“I affirm that the contents of this P. D. F. File of order is word to word as per original order.”

Name of Stenographer : N. B. Payade

E N D O R S E M E N T

Case argued on	:	13.07.2021
Order dictated on	:	13.07.2021
Transcription ready on	:	13.07.2021
Order Checked and signed on	:	13.07.2021