

**ORDER BELOW EXH.1 IN C.C. NO. 58/N/2024 IN CR NO. 709 OF  
2022 POLICE STATION TILAKNAGAR**

- 1) This application is filed under section 457 of the Cr.P.C.
- 2) Perused the application and documents filed along with it. The application is supported by the affidavit of applicant.
- 3) Also perused the report/say filed by the investigating officer and Ld. A.P.P. has filed his say and objected to handover the Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836 to the applicant.
- 4) Heard the learned Advocate for the applicant & A.P.P.
- 5) The learned Advocate for the applicant submitted that, Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836 is seized by Police of the Police Station, Tilak in Cri. No. 709/2022. He has further submitted that if the said Motorcycle is kept idle in the custody of the Police Station, Tilak Nagar, there is possibility of damage due to rust and applicant will suffer loss. The applicant is ready and willing to abide the conditions imposed by the Court. The applicant prayed that the seized the said Motorcycle be handed over to him.
- 6) The investigating officer has no objection to handover the seized Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836 to the applicant.
- 7) The I.O. has filed his say and submitted that he has no objection to handover the said motorcycle to the applicant.
- 8) **The applicant has filed following documents :**
  - a) Verified Copy of R. C. Book of the Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836.
  - b) Verified copy of insurance of the applicant.
- 9) On perusal of the documents on record, it appears that, the applicant is the registered owner of said Motorcycle. Therefore,

the applicant is entitled to claim custody of said Motorcycle. Under such circumstances, no purpose will be served in keeping the Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836 in the custody of the police station, Tilak nagar. The possibility of damage to the Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836 can not be ruled out, if keep in the custody of the police station, Tilak nagar. Hence, it will certainly be damaged to its non use. On contrary, if the said Motorcycle is handed over to the interim custody of the applicant on certain conditions, no injustice will be caused to the investigation and trial of alleged offence would not be concluded in near future.

10) In the light of aforesaid discussion, the applicant is entitled to get interim custody of the Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836. Therefore, I pass the following order.

**:- ORDER :-**

- 1) Application is allowed.
- 2) The interim custody of Seized Property namely the Motorcycle bearing registration No. MH-01-AY-3836 (Chassis No. MD2DHDKZZUCC25628 Engine No. DKGBUC37117) be handed over to the applicant, till the conclusion of the trial subject to following conditions:-
  - a) Applicant shall execute indemnity bond of Rs. 1,00,000/- on bond paper of requisite value.
  - b) Applicant to undertake that he shall not dispose off, alienate, encumbrance, create third party rights or part with possession of the said motorcycle without prior permission of the Court.
  - c) Applicant shall not change the engine number, chassis number, colour and body of the said Motorcycle, till disposal of this case.
  - d) Applicant shall produce the said Motorcycle before the

Court, as and when required.

- 3) The I.O. of the present crime is hereby directed to draw detailed Panchanama of the Motorcycle Bajaj Pulsar bearing registration No. MH-01-AY-3836, verify chassis number & engine number of the said Motorcycle and capture photograph of the said Motorcycle before handing it to the applicant.
- 4) The applicant is hereby directed to produce his photo identity and residence proof along with original documents.
- 5) Applicant to execute the indemnity bond before I.O.

Date :- 22/02/2024

Place:-Vikhroli

Sd/-.

(Ajay A. Bhatewara)  
Metropolitan Magistrate,  
34<sup>th</sup> Court, Vikhroli, Mumbai