

ORDER PASSED BELOW EXH.1
(Passed on 08/02/2024)

1. This is an application under section 457 of the Code of Criminal Procedure, 1973 for releasing seized 1) Two diamond bangles, 2) One Diamond ring and cash Rs.30,000/- seized in Crime no.31/2024 registered with P.S. Chembur.
2. Perused the application and the reply of Ld. APP for the State and I.O. Heard learned APP and learned advocate of the applicant.
3. The Investigation Officer has no objection to release 1) Two diamond bangles, 2) One Diamond ring and 3) cash Rs.30,000/- on terms and conditions. Whereas, the Ld. APP has filed his say stating that necessary order be passed.
4. The applicant has filed his affidavit stating that he has no any bill or any document for the said jewellery as the same was received by his wife in marriage and cash is belong to him. As per the say of Investigating Officer, the FIR was lodged by the informant/applicant. There is no other claimant of above mentioned gold and cash. The applicant has filed copy of his Aadhar Card. I do not find any impediment to release the above mentioned property i.e. 1) Two diamond bangles, 2) One Diamond ring and 3) cash Rs.30,000/-/- on certain conditions :-

ORDER

1. 1. Application is allowed.
2. Seized 1) Two diamond bangles, 2) One Diamond ring and 3) cash Rs.30,000/-/- be returned to the applicant Mithun Shashipal Gupta on his executing indemnity bond of Rs.2,00,000/- on following conditions:
 - A) Applicant shall not alienate seized diamond bangles and diamond ring in any manner till the final disposal of the matter arising out of C.R. No.31/2024.
 - B) Applicant shall produce the seized 1) Two diamond bangles, 2) One Diamond ring and 3) cash Rs.30,000/- as and when directed by this court.
- 3.1 P.S. Chembur is directed to weigh the diamond bangles and diamond ring in presence of informant / applicant from Government

approved jeweller and shall prepare a detail panchnama thereof describing therein the weight and value of the seized property.

2. P.S. Chembur is directed to take two photographs of the said muddemal i.e. diamond bangles, diamond ring and cash amount at the cost of the applicant and shall produce the said photographs and panchanama at the time of filing charge-sheet.

3. Issue letter to P.S. Chembur accordingly on executing supurtnama bond as per above-said terms.

4. Applicant to bear the cost of the jeweller.



(K.P.R.S. Rathore)

Addl. Chief Metropolitan Magistrate,
11th Court, Kurla, Mumbai.

Mumbai.

Date.08/02/2024