

IN THE COURT OF METROPOLITAN MAGISTRATE,
17TH COURT, BORIVALI, MUMBAI

Notice No.1234/N/2022
in C.R. No.1032/2022
Samtanagar Police Station

ORDER BELOW EXH. 1

1. Perused the application. The applicant namely viz. Devidas Tulshiram Gawli has prayed for release of property i.e. motorcycle bearing No. MH-02-DM-4923. Called say of I. O. and Ld. APP.
2. Applicant has stated that he has lodged FIR No.1032/2022 for the offence p/u/s 379 of IPC. In said C. R., vehicle in question is seized by the police and it is lying in police station. Hence, he is seeking its custody.
3. Perused the say of I.O. and APP. The I.O. has given no objection to hand over the vehicle to the applicant. Ld. APP has contended that if it is returned to the applicant, he may not produce the same as and when required before the court. Hence, APP prayed to reject the application.
4. In support of this application, applicant has filed his affidavit. He has produced on record copy of FIR, Aadhaar Card, R. C. book and tax invoice. Upon perusal of R. C. book, it transpires that applicant is registered owner of vehicle in question.
5. Heard both sides. No other claimant came forward to seek the custody of the property in question except applicant. No purpose will be served by unnecessarily depriving the applicant from custody of the property. Further the vehicle will deteriorate if it is kept idle in police station. The custody required to be given to the applicant is temporary. As the applicant is entitled for its custody, application deserves to be allowed on following terms.

ORDER

a) The seized property i.e. **motorcycle bearing No. MH-02-DM-4923, Chassis no.ME4KC09CDE8707400, Engine no. KC09E86717791**, be returned to the applicant namely Devidas Tulshiram Gawli on execution of bond/supurtnama of **Rs. 30,000/- (Rs. Thirty thousand only)** by the concerned police station. The applicant shall affix his latest colour passport size photograph on the bond/supurtnama.

b) The applicant is directed to execute bond to the effect that, he shall not transfer, alienate the said vehicle in favour of any third person and also not to make any changes in engine capacity and other physical appearance of the said vehicle and produce the same whenever directed by this Court, till conclusion of the trial.

c) The I.O. is directed to prepare necessary panchanama of the said vehicle at the time of handing over it to the applicant, by drawing photographs from various angle.

(A.P.Kokate)
Metropolitan Magistrate,
17th Court, Borivali, Mumbai.
Date : 29.03.2023