

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY

1] This is an application filed by applicant for return of property namely Activa 4 G motorbike bearing No. MH-01-CW-8726 seized in C.R. No.510/2018 registered under section 379 of the Indian Penal Code by Dharavi Police Station.

2] On the application say of Investigating Officer was called. The Investigating Officer has filed say wherein no objection to handover custody of seized property to the applicant on certain terms and conditions is conveyed.

3] In support of application, the applicant has filed on record his own affidavit and submitted that he is registered owner of the said vehicle and he has possessed the documents in that respect.

4] Perused application, documents filed on record, say of police and affidavit in support of application. Heard advocate for applicant. On perusal of the application and verified copies of certificate of registration of the said motorbike, it is seen that the applicant is owner of the said vehicle. The Applicant has filed on record xerox copy of First Information Report dated 22/11/2018 which shows him to be the original informant on whose report crime is registered. The applicant has annexed verified copy of Aadhaar Card as proof of his identify and address.

5] At this stage except the applicant there is no other claimant who has claimed the custody of seized vehicle. Admittedly the said vehicle cannot be termed as weapon and no purpose is likely to be served by detaining the said vehicle in the custody of investigation agency till conclusion of trial. On the other hand there is every possibility that the vehicle will get damaged in case keep in open which is in the possession of the investigation agency. Therefore, the application for return of property certainly deserves to be allowed as no prejudice is likely to be caused to the investigation agency, if the same is

handed over to the original owner. Hence, the application deserves to be allowed on certain terms and conditions. Therefore, I pass the following order :

ORDER

1] The application is allowed.

2] The seized property namely one Activa 4 G motorbike bearing No. MH-01-CW-8726 seized in C.R. No.510/2018 by Dharavi Police Station, be returned to Applicant Mr. Zuber Javed Khan residing at E-14, Rajiv Gandhi Nagar, Dr. Ambedkar Chawl, Sion Bandra Link Road, Mahim E, Dharavi, Mumbai-400 017 on executing indemnity bond of Rs.30,000/- (Rupees Thirty Thousands Only) with condition that :

- a) The applicant shall not to sell, transfer, alienate, dispose off the said motorbike or any part of it to any third person before the conclusion of trial.
- b) The applicant shall not change the nature of the said motorbike in any mode or manner.
- c) The applicant shall produce the said motorbike as and when directed by the Court in the trial or by Investigating Officer in the course of investigation.
- d) The applicant shall follow the conditions imposed on him scrupulously.

3] The Investigating Officer is directed to take the above indemnity bond of applicant and shall return the muddemal on due verification of applicant. Investigating Officer further directed to file indemnity bond in the Court. On filing of indemnity bond, it be attached with the charge-sheet.

Order accordingly.

Sd/-

Mumbai
Date : 24/01/2019

(S. R. Sharma)
Metropolitan Magistrate
12th Court, Bandra, Mumbai