

ORDER BELOW EXH. 1 IN O. M. A. NO. 355 OF 2015

This is an application for return of case property during the pendency of trial. It is contended that, trolley (New India Trailer) bearing chasis no. NITL/4/7/4T/2014 belonging to the applicant is seized by the police in C. R. No. 83 of 2015 for the offence punishable under section 379 of the I. P. C. Hence, this application is for return of the same through the court.

02] The other side submitted say.

03] Heard, this application is filed on affidavit. Further more along with list, the applicant filed document of the case property etc.

04] I find no any reason to keep the case property in detention. In my view of guidelines regarding return of property in the case of **Sundharbhai Desai vs. State of Guj. 2003 A. I. R. (SC) 638** and **Jagannath Shirsath vs. State of Maharashtra 2000(2) Mh. L. J. 605** it would be just and proper to hand over ad-interim custody of case property to the applicant on execution of necessary indemnity bond. Hence, the following order.

Order

01] This application stands allowed on following conditions -

- a] The said case property “temporarily” be returned to the applicant on the proper identification
- b] Applicant shall execute an indemnity bond for Five lacs and abide by the undertaking

mentioned in the application.

- c] Applicant is directed to produce the same as and when required by the court during trial.
- d] Police are at liberty to prepare the panchnama of the same or to keep photograph/documents of it for evidence purpose.
- e] Issue letter to concern police station accordingly with the signature of A. S.
- f] The original indemnity bond be attached to police station.

Place : Kalwan
Date : 02.11.2015

(S. N. Naik)
Judicial Magistrate F. C.,
Kalwan