

IN THE COURT OF METROPOLITAN MAGISTRATE,
36th COURT MUMBAI CENTRAL, MUMBAI.

C. C. NO. :- 338/MISC./2019.

C. R. NO. :- 1505/2019.

Railway Police Station :- Mumbai Central.

Niteshkumar Rajeshkumar Mishra.

.... Applicant.

V/s.

The Sr. Inspector of Police,

(Railway Police Station, Mumbai Central, Mumbai)

.... Respondent.

ORDER BELOW EXH.-1

The applicant viz. Niteshkumar Rajeshkumar Mishra has filed application for releasing mobile handset of Oppo made, Model No. F11 Pro, Aurora Green colour, I.M.E.I. No. 864235043512778 and 864235043512760. The Investigating Officer, gave no objection for handing over the seized mobile handset in favour of the applicant. Ld. A.P.P. submitted that the mobile handset will require for identification during the trial. It is prayed that, necessary order be passed.

2] Heard both sides.

3] During the investigation mobile handset is recovered. It also appears that, as per the report lodged by present applicant, a crime bearing No.1505/2019, punishable under section 379 of Indian Penal Code, is registered against unknown accused, at police station, Mumbai Central, Mumbai. In support of application applicant placed on record copy of invoice, which discloses that applicant purchased said mobile handset, on 15/03/2019, for an amount of ₹24,990/-, from Bhanushali Mobile Point, Ghatkopar (E), Mumbai. Applicant also placed on record copies of his Aadhar Card, F. I. R. No purpose would be served by keeping the mobile handset at police station itself. Applicant is entitled for getting custody of mobile handset. Therefore, the order :

ORDER

- 1] The seized mobile handset of Oppo made, Model No. F11 Pro, Aurora Green colour, I.M.E.I. No. 864235043512778 and 864235043512760 be given to the applicant viz. Niteshkumar Rajeshkumar Mishra, R/o.- Room No.25, Ganesh Chawl, Gate No.4, Dawari Nagar, Vakoala Bridge, Sant Nirankari Bhavan, Santacruz (E), Mumbai, on indemnity Bond of ₹30,000/- (Thirty Thousand), which is to be executed before Investigating Officer of Railway Police Station, Mumbai Central, Mumbai, on following condition :
 - (a) The applicant shall produce the mobile handset, as and when required.
 - (b) The applicant shall not transfer or alienate the seized mobile handset and shall not change it's nature, till the decision of the main case.
- 2] The Investigating Officer shall furnish the Indemnity Bond alongwith the final report / chargesheet, in this Court.
- 3] This proceeding be kept with the remand papers of C. R. No.1505/2019 of Railway Police Station, Mumbai Central, Mumbai for merging the same in the main case after filing the chargesheet, if any.

Sd/-

(G. P. Bawaskar)

Metropolitan Magistrate,
36th Court, Mumbai Central,
Mumbai.

Date : 05/11/2019.
SRD.