

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

C. C. NO. :- 332/MISC./2019.

C. R. NO. :- 585/2019.

Railway Police Station :- Mumbai Central.

Shailesh Shivnandan Shahu.

.... Applicant.

V/s.

The Sr. Inspector of Police,

(Railway Police Station, Mumbai Central, Mumbai)

.... Respondent.

ORDER BELOW EXH.-1

The applicant viz. Shailesh Shivnandan Shahu has filed application for releasing mobile handset of MI made, Model No. Redmi 4, Black colour, I.M.E.I. No. 868624033373190. The Investigating Officer, gave no objection for handing over the seized mobile handset in favour of the applicant. Ld. A.P.P. submitted that name on purchase bill is different, for the purpose of trial mobile handset is required. 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 applicant, a crime bearing No.585/2019, 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 Shailesh Punk purchased said mobile handset, on 31/03/2018, for an amount of ₹6,999/-, from amazon.in. Applicant filed affidavit stating that his e-mail id is shailesh punk @ gmail. Com, so invoice bill has name as Shailesh Punk. Applicant also filed copies of his Aadhar Card, F. I. R. and own affidavit. 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 MI made, Model No. Redmi 4, Black colour, I.M.E.I. No. 868624033373190 be given to the applicant viz. Shailesh Shivnandan Shahu, R/o.- Room No.514, Juhu Tara Road, Mangelwadi Chawl, Nr. Manekji Cooper School, Santacruz (W), Mumbai 49, on indemnity Bond of ₹10,000/- (Ten 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.585/2019 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 : 18/10/2019.
SRD.