

**IN THE COURT OF METROPOLITAN MAGISTRATE,**  
**36<sup>th</sup> COURT MUMBAI CENTRAL, MUMBAI.**

C. C. NO. :- 311/MISC./2019.

C. R. NO. :- 1129/2019.

Railway Police Station :- Mumbai Central.

Rohit Bhupendrasingh Tomar.

.... Applicant.

V/s.

The Sr. Inspector of Police,

(Railway Police Station, Mumbai Central, Mumbai).

.... Respondent.

**ORDER BELOW EXH.-1**

The applicant viz. Rohit Bhupendrasingh Tomar has filed application for releasing mobile handset of Honour made, Model No. 7C, Blue colour, I.M.E.I. No. 868188031603644. 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.1129/2019, 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 copies of his Aadhar Card, F. I. R. Applicant also placed on record his affidavit stating that he is unable to produce purchase bill of said mobile, as it is lost. 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 Honour made, Model No. 7C, Blue colour, I.M.E.I. No. 868188031603644 and 868188031704640 be given to the applicant viz. Rohit Bhupendrasingh Tomar, R/o.- Ward No. 20, Deshgaon harijan Mohalla, Khandwa, M.P, Pin 450771, on indemnity Bond of ₹15,000/- (Fifteen 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.1129/2019 of Railway Police Station, Churchagate, Mumbai for merging the same in the main case after filing the chargesheet, if any.

**Sd/-**

**(G. P. Bawaskar)**

Metropolitan Magistrate,  
36<sup>th</sup> Court, Mumbai Central,  
**Mumbai.**

Date : 05/10/2019.  
SRD.