

**Order passed below Exh. 1 in Misc. Application
No. 463/MISC./2018 in C. R. No. 2246/2018 of
Mumbia Central Railway Police Station, Mumbai**

1] The applicant Mr. Abdul Wahid Abdul Majid Rayeen has filed application for releasing his mobile handset MI made, model No. 5, IMEI No. 864450034945529 / 864450034945537 which is seized in the offence. The learned APP submitted that the applicant is owner of said property, said muddemal seized under section 392 of the Indian Penal Code and 150 (e) of the Railways Act, section 150 (1)(e) of the Railways Act is exclusively triable by Hon'ble Sessions Court, hence, in the interest of justice necessary order may kindly be passed. The Investigating Officer has no objection for handing over the seized mobile handset in favour of the applicant.

2] During the investigation mobile handset is seized. The applicant has filed his photocopies of Aadhar Card and mobile purchase bill. It appears that, the applicant is the owner and possessor of the mobile handset, in question. Therefore, the applicant is entitled for getting custody on indemnity bond of Rs. 20,000/- (Twenty Thousand). Therefore, the order :

ORDER

1] The seized mobile handset MI made, model No. 5, IMEI No. 864450034945529 / 864450034945537, be given to the applicant Mr. Abdul Wahid Abdul Majid Rayeen, R/o.: Block No. 3, 09/H, Transit Camp, Dharavi, Mumbai on Indemnity Bond of Rs. 20,000/- (Twenty Thousand), which is to be executed before Officer of the Mumbai Central Railway Police Station, on following condition :-

- (a) The applicant shall produced the mobile handset as and when required.
- (b) The applicant shall not transfer or alienate the seized mobile handset till the decision of the main case.

..2..

(c) The applicant shall not change the nature of the seized mobile handset by any manner 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. 2246.2018 of Mumbai Central Railway Police Station, Mumbai for merging the same in the main case after filing the chargesheet, if any.

Sd/-

(S. R. Narwade)

Metropolitan Magistrate,
36th Court , Mumbai Central,
Mumbai

Date : 03.11.2018