

**Order passed below Exh. 1 in Misc. Application
No. 485/MISC./2018 in C. R. No. 2879/2018 of
Bandra Railway Police Station, Mumbai**

1] The applicant Mr. Hiren Vitthaldas Patel has filed application for releasing his mobile handset Samsung made, IMEI No. 357956081760532 / 357956081760530 which is seized in the offence. The learned APP submitted that the applicant is owner of said property, said muddemal seized under sections 379, 356 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 photocopy 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 Samsung made, IMEI No. 357956081760532 / 357956081760530, be given to the applicant Mr. Hiren Vitthaldas Patel, R/o.: Near Madhav Baug, A-002/42, Rajshree Dham, Jagdusha Nagar, Golibar Road, Ghatkopar (W), Mumbai on Indemnity Bond of Rs. 20,000/- (Twenty Thousand), which is to be executed before Investigating Officer of the Bandra 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.
- (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. 2879.2018 of Bandra Railway Police Station, Mumbai for merging the same in the main case after filing the chargesheet, if any.

Date : 26.11.2018

Sd/-
(S. R. Narwade)
Metropolitan Magistrate,
36th Court , Mumbai Central,
Mumbai