

IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE, AHMEDABAD [R]

Criminal Misc. Application No. 688 / 2026

Exh.

Applicant/

Accused: Chirag S/o. Hirasinh Bagisinh Rajput

Age : 48 years, Occupation : Doctor,
Resident of : House No.B/31, Rivera Blue,
Opp. Vodafone house, Makarba,
Sarkhej, Ahmedabad.

VERSUS

Opponent :

The State of Gujarat

to be served through
Learned District Government Prosecutor
at District & Sessions Court,
Ahmedabad.

APPEARANCE

Learned Advocate for the applicant : Mr. S. I. Maru

Learned DGP for the State : Mr. P. M. Trivedi

Subject : Application for getting back Muddamal under section 503
of B.N.S.S.

J U D G E M E N T

- (1) The applicant has preferred present application under Section 503 of B.N.S.S., for interim custody of property during pendency of the trial.

The applicant has submitted that his mobile phone Emerald green coloured Smart phone Oneplus Open CPH2551 India 512GB 16GB mobile phone having IMEI No.868147061497533 having two simcards of Vodafone company No.9099970648 and No.9925275921 was seized in connection with the FIR bearing C.R. No.11191020240478/2024, lodged with Vastrapur Police Station, for the offence punishable u/s. 105, 110, 336(2), 336(3), 340(1), 340(2), 318, 61 of B.N.S.

- (2) The applicant has produced copies of bill of mobile phone vide Mark-3/2 which was seized as muddamal in the present case. Here the investigation officer has opined that the charge-sheet is filed but until the trial is over, it may not be handed over to the applicant.
- (3) As per the provision of section 497 of B.N.S. the court has to ascertain only the point of proper custody. Here, the applicant has applied for the custody and he has produced copy of bill of mobile phone. At the same time, if we considered the cardinal Principle laid down in the case of ***Sundarlal T. Desai Vs. State of Gujarat***, than it appears that the interim custody may be given to the applicant. Accordingly, I pass following order below application.

-: O R D E R :-

- [1] The present application is hereby allowed. The applicant named

Dr.Chirag S/o. Hirasinh Bagisinh Rajput, may be given **interim custody** of the mobile phone Emerald green coloured Smart phone Oneplus Open CPH2551 India 512GB 16GB mobile phone having IMEI No.868147061497533 having two simcards of Vodafone company No.9099970648 and No.9925275921 which was seized in connection with the FIR bearing C.R. No.11191020240478/2024, lodged with Vastrapur Police Station, for the offence punishable u/s. 105, 110, 336(2), 336(3), 340(1), 340(2), 318, 61 of B.N.S., on furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) and surety of like amount, before the Vastrapur Police station subject to following conditions:

- (1) That applicant shall not dispose off the mobile either by way of sale mortgage or any means of transfer, or directly or indirectly transfer his rights over the mobiles until the trial gets completed.
- (2) That the applicant shall not make any such changes either in shape, color or in any form which may change the identity of the mobile.
- (3) That the applicant shall not use the mobile in any criminal activity or shall not allow any body to use the mobile for any criminal activity.
- (4) That the applicant shall produce the mobile before the court as

and when the same is ordered by the court and as per the order and direction of the court.

Signed & Pronounced in the open Court today on this 13th day of March, 2026.

Date : 13/03/2026.

Place: Ahmedabad.

R.R.Dave, PS

(Mr. Advait Surendra Vyas)
5th Additional Sessions Judge,
(Unique ID Code: GJ00709)