

The Learned counsel for the applicant files memo by showing correct P.F. number and mobile.

Heard. For Orders.

ORDERS ON APPLICATION U/S. 503 OF BNSS, 2023

The Accused No.15 (Applicant) being the applicant has filed applications U/Sec. 503 of BNSS, 2023, and sought for to release the seized Samsung Galaxy-S23FE mobile hand set, seized under P.F.No. 22/2025 on the file of Jayapura Police station in connection with the alleged offences P/U/Sec. 310(2) of BNS, 2023 and the tax invoice relating to seized property standing in the name of accused No.15/applicant namely Rejin P.K. @ Kannan S/o Krishnan and the item seized under PF No. 22/2025 belongs to applicant.

The learned Public Prosecutor files objection stating that, the application which filed is not maintainable in the eye of law are on facts, if the item seized under PF No. 22/2025 released in favour of the applicant there is a chances of selling of the said item and changing of its identity and prays for reject the application.

On perusal of the documents i.e. the seizure panchanama and PF No. 22/2025 found the Item which sought by the applicant has been seized by the I.O from his possession. Now, the applicant has come up the instant application and sought for release of the said item as mentioned in the memo for his interim custody. The applicant

in his application contending that he is ready to abide by any conditions that may be imposed by this court for release of the said item for his interim custody. There is no rival claimants in respect of the release of the said item. It is the apprehension of the prosecution that, if the said item is released in favour of the applicant there is a chances of selling and changing its identity. Thus, this Court drawn its attention on the judgment of Hon'ble Supreme Court in a decision reported in **AIR-2003-SC 6381** in the case of **Sunder Bhai Ambalal Desai V/s State of Gujarat**, wherein it is held that,

“The powers U/Sec.451 of Cr.P.C., should be exercised expeditiously and judiciously. It would serve various purposes, namely,

1. owner of the article would not suffer because of its remaining unused or by its misappropriation.
2. Court or the police would not be required to keep the article in safe custody.
3. If the proper panchanama before handing over possession of article is prepared, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail.

Therefore, it is just and necessary to release the item in favour of applicant by imposing conditions it will meet the ends of justice. Hence, I proceed to pass the following:

ORDER

The application filed by the applicant U/Sec. 503 of BNSS, 2023, is hereby **Allowed**.

Release the seized item, under P.F.No. 22/2025, on the file of Jayapura Police station to the interim custody of the applicant on his executing indemnity bond for a sum of Rs.10,000/- with a like sum surety, subject to the following conditions:

1. The concerned I.O., shall make panchanama in the presence of panchas by obtaining photographs of the mobile seized under PF No. 22/2025 and produce it before the court with negative/C.D along with detailed report which can be used during the trial for identification of the said item and for other purpose.
2. The applicant shall produce the said item as and when required and ordered by this court as well as by the I.O.,
3. The applicant shall not transfer or change the nature or color of the mobile.

For surety by **15.09.2025**.

sd/-
IV ADJ., Mysuru.