

ORDER ON IA NO.I to IV
FILED U/Sec.503 of BNSS.

The applicants Namely:

- 1) Shri. Irfan Mehbub Shubhani represented by his counsel Shri. KGH advocate,
- 2) Shri. Matin Mohammed Rafik Makadar represented by her counsel Shri. KGH advocate,
- 3) Shri. Sharukh Ravuph Sammedkhan, represented by his counsel Smt KGH advocate,
- 4) Shri. Alphan Shiraj Mulla, represented by her counsel Shri. KGH advocate,

The applicants are the owners of the Mobiles:-

- 1) Application No.1 is owner of the OPPO RENO-4 purchased on 12.02.2022 Ramnagar.
- 2) Applicant No.2 is owner of the POCO X2 purchased on 13.09.2020 Ramnagar.
- 3) Application No.3 is the owner of the SAMSUNG GALAXY A04E purchased on 23.08.2023 Ramnagar.
- 4) Application No.4 is the owner of the OPPO F19S purchased on 18.02.2022.

2. The above mentioned applicants filed present applications with a prayer to release their resepective

mobiles which are seized by Ramnagar Police in Crime No.05/2024 for the offence punishable U/s. 505(2) of BNS.

3. The learned A.P.P. has filed objections to release application contending that, the averments of the application are all false. The above said Mobiles have been seized for the offences punishable U/Secs.505(2) of IPC. If the Mobiles are released in favour of applicants, they may change the nature and color of said Mobiles and also they may sell the said Mobiles to other persons, which may hamper the trial. Hence, he prayed to reject the present application.

4. Heard the arguments of learned Counsel for the applicants and learned A.P.P. and I have perused the material placed on record.

5. After completion of investigation, the Police Inspector of Ramnagar Police Station has filed the charge sheet against the accused No.1 to 4 for the offences punishable Under Sections 153(a) and 505(2) of IPC. The applicants have filed application to release in P.F.No.05/2024 dated 23.01.2024. In support of his case, applicants have produced the invoices.

6. From perusal of the application and materials available on record, it is clearly shows that, Ramnagar Police have seized the applicants mobiles in P.F.No.05/2024 dated 23.01.2024.

7. On perusal of the records available, it reveals that, the applicants are the owners of said Mobiles and they are not the weapon used for committing any offence. In fact the said mobiles were seized from the possession of accused as per records. Moreover, the investigation has been completed. Under such circumstances, by imposing certain conditions, if the Mobiles are released to the interim custody of the applicants, it would meet the ends of justice. The Mobiles are in the custody of Police since from the date of their seizure. If the same are kept in Police Station without use, there will be every chance of loss to Mobiles and they may lose their value. Further, investigation is completed and I.O. has already filed the charge sheet. The trial is yet to begin. Further, the applicants are the accused in this case. Therefore, there is no impediment to release the Mobiles as sought for. Since there are no other rival claimants, it is just and necessary to allow the applications. Hence, I proceed to pass the following;

ORDER

The I.A.No.I to IV filed U/Sec. 503 of BNSS are hereby
ALLOWED.

Release the respective mobiles to the respective interim custody of above mentioned applicants which have been seized under P.F.No.05/2024 dated 23.01.2024, in Cr.No.33/2025 of Ramnagar P.S, on applicants executing indemnity Bond for a sum of Rs.50,000/- with each one surety for the like sum,

subject to following conditions:-

1. The Applicants shall not alienate the Mobiles during the pendency of the case.
2. The Applicants shall not change the color and shape and other physical features of the Mobiles during the pendency of the case.
3. The Applicants shall produce the said Mobiles before the Court whenever such direction is issued by this Court.
4. The Applicants shall not encumber or alienate the Mobiles.
5. The Applicants shall produce the Mobiles before the Complainant Police and the jurisdictional Court as and when directed to do so.

6. In the event of violation of any of these conditions, the respondent is at liberty to approach this Court for revocation of this order.
7. The Applicants must give an acknowledgment before P.S.I. of Ramnagar Police Station having taken the possession of above said Mobiles.
8. Return the original documents if any to the Applicant on receipt of acknowledgment.

The Investigating Officer is directed to take photographs of the said mobiles with Negatives at the cost of the Applicants for the purpose of identification during the course of trial.

For furnishing surety.

Call on 01.04.2026

**Sd/-
Civil Judge & J.M.F.C.,
Dandeli.**