

**MHAH010062722024**



**Order below Exh.27 in Sessions Case No.273/2024**

(The State of Maharashtra...Vs... Sukhdeo Ramdas Khiladkar and Ors.)

By way of this application supported with affidavit, the applicant/accused No.1 Jamil Maheboob Shaikh prayed for releasing the mobile having Model POCO F-4, 5G 6+21128 –IMEI/S/N-1 869785061376881, 869785061376899 in which SIM card No. 9518505917 of JEO company seized by Rahuri Police Station in CR..No. I- 825/2024.

2- Applicant/accused No.1 submitted that, he is owner of above seized mobile seized in C.R. No.I- 825/2024 by the police during the investigation. The investigation is completed and charge-sheet has been filed which is committed and registered as Sessions Case No.273/2024.

3- Applicant submitted that, the said seized article Mobile required for his daily use. The investigation is over and retaining the mobile in police custody will be useless and may cause damage to its parts. The applicant is ready to abide by all the terms and conditions imposed by this Court for releasing the mobile. Hence, the applicant /accused No.1 prayed that application be allowed for releasing the article on his indemnity bond.

4- Say of Ld. APP and I.O. was called. Ld. APP vide Exh.30 replied the application and strongly objected for releasing seized

article being part of evidence. They submitted that, if the seized articles is released, important evidence will be destroyed and hence, they prayed for rejection of the application.

5- Heard Ld. Advocate for the applicant/accused No.1 and Ld. APP for the State. The perused the submissions and documentary evidence.

6- After going through submissions of both sides, the article mobile came to be seized from the accused during the course of investigation. Said mobile used in commission of the crime and was recovered from the applicant/accused No.1. However, it will take sometime for conclusion of trial. Except for the purpose of conversation by the applicant with the other accused, the mobile has not been used for other purpose in the crime. It is not stated in the say if there is any evidence in the said mobile so as required to be detain with the police. It is seen from the say of the prosecution that investigation pertaining to the mobile is over. Applicant has produced the bill for buying the said mobile. Whereas investigation pertaining to the mobile is over it is not require to keep in the custody of police. So, it is just and proper to return the mobile to applicant. Hence, the following order -

### **ORDER**

1. Application is allowed.
2. The mobile having Model POCO F-4, 5G 6+21128 – IMEI/S/N-1 869785061376881, 869785061376899 in which SIM card No. 9518505917 of JEO company be returned to the applicant/accused No.1 Sukhdeo Ramdas Khiladkar on executing indemnity bond of Rs.

10,000/- on a condition to preserve, protect and produce as and when called.

3. Senior PI/ I.O. to deliver the mobile preparing it's panchanama and obtaining it's photos and to produce the same on court record.

Date : 06<sup>th</sup> February, 2025.

( M.S. Lone)  
Additional Sessions Judge,  
Ahmednagar.