



**ORDER BELOW EXH.1 IN CRI.M.A. No.102/2026**  
**(Kunal Gautam Ingale & Ors. V/s. The State of Maharashtra & Anr.)**  
**(CNR No.MHAH06-000402-2026)**

Applicant No.1 namely Kunal Gautam Ingale, applicant No.2 Kalpana Anna Pathare and applicant No.3 Sujit Abasaheb Dhokchaule have filed this application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for return of seized property i.e. Toyota Innova, bearing registration No.MH-04/ED-7775, Chassis No.MBJ11JV4007186785, Engine No.7KD6361742, Vivo 5295G, bearing IMEI No.868684077795948 and Vivo V15 mobile bearing IMEI No.864641072859693 which was seized by the City Police Station, Shrirampur in connection with C.R. No. 129/2026, for the offence punishable under Section 4/25 of Arms Act, 1959.

2. According to the applicant No.1, the seized vehicle is lying in the City Police Station and there would be damage to the above said vehicle, if the same is kept idle in the City Police Station. Therefore, the applicant No.1 required the above said vehicle for his daily use. The applicant No.1 is ready to furnish the indemnity bond and ready to abide the conditions as may be imposed by the Court. Hence, applicant No.1 prayed that to given the interim custody of above said vehicle on indemnity bond and certain terms and conditions.

3. According to the applicant No.2 and 3, the seized mobile are lying in the City Police Station, Shrirampur and there would be damage to the above said mobile, if the same is kept idle in the City Police Station, Shrirampur. Therefore, the applicant No.2 and 3

required the above said mobile for their daily use. The applicant No. 2 and 3 are ready to furnish the indemnity bond and ready to abide the conditions as may be imposed by the Court. Hence, applicant No.2 and 3 prayed that to give the interim custody of above said mobiles on indemnity bond and certain terms and conditions.

4. The say of Learned A.P.P. and I.O. was called.

5. Ld. A.P.P has submitted his say and stated that, the vehicle and mobile are seized in serious offence. The investigation of crime is in progress. The vehicle and mobiles are used in serious offence. The documents of ownership of vehicle and mobiles are not on record. The applicants will not produce the vehicle and mobiles when required by Hon'ble Court. Hence prayed for rejection of application.

6. The concerned Investigating Officer submitted in his say that, if the seized vehicle and mobiles be returned to the applicant, they will commit the same type of offence again. Hence, prayed to reject the present application.

7. I have heard the Ld. A. P. P. for the State and Ld. Advocate Shri. S. P. Ghorpade for the applicant at length.

8. Perused the documents filed on record. On perusal of the verified copy of Registration of Certificate of seized vehicle issued by Regional Transport Officer, it *prima-facie* shows that the owner of seized vehicle is Shafik Rashid Kureshi and applicant No.1 had

purchased the said vehicle through Kalbhairav Motors on 05.10.2024. Prima facie the vehicle is seized from the custody of accused No.1. In the present case the original owner i.e. respondent No.2 appeared before court but on given sufficient opportunity he failed to file his reply on record. The vehicle seized from the possession of accused No.1 and he is ready to abide by all conditions which may be imposed by this court and no any other person claimed for the custody of seized vehicle. Applicants also filed the verified copy of registration of certificate, the copy of payment receipt of Kalbhairav Motors, certified copy of F.I.R. and verified copy of his Aadhar Card.

9. Perused documents filed on record. On perusal of Bill of seized mobile, issued by S.P. Mobile, Shrirampur and Asthvinayak Enterprises, *prima-facie* shows that, applicant No.2 and 3 are the owner of the respectively seized mobile. Applicants also filed the one original copy of mobile and regarding another mobile xerox copy of bill, verified copy of their Aadhar Card, and copy of the F.I.R.

10. On perusal of the documents filed by the applicants on record, the applicants shown his legal possession over the seized vehicle and mobiles respectively. The applicants was using the said vehicle and mobiles for their personal use. The applicants are ready to abide all the conditions as may be imposed by the Court. In such circumstances, considering the nature of offence and progress of investigation, I am of the view that, the detention of seized vehicle and mobiles with police is not necessary. Hence, I am of the considered opinion that, the applicants are entitled for temporary

custody of seized vehicle and mobiles respectively on certain terms and conditions. In view of the directions of the Hon'ble Supreme Court in the matter of **Sunderbhai Ambalal Desai V/s. State of Gujrat (A.I.R. 2003 Supreme Court 638)** and the aforesaid reasons, I proceed to pass following order-

**-: O R D E R :-**

1. Application is allowed.
2.
  - a) The seized vehicle i.e. Toyota Innova, bearing registration No. MH-04/ED-7775, Chassis No. MBJ11JV4007186785, Engine No. 7KD6361742, which was seized by the City Police Station, Shrirampur in connection with C.R.No.129/2026, temporarily be returned to the applicant No.1 on executing his indemnity bond of Rs.5,00,000/- (Rupees Five Lac Only) and
  - b)The seized mobile i.e. Vivo 5295G, bearing IMEI No.868684077795948, which was seized by the City Police Station, Shrirampur in connection with C. R. No.I 129/2026, temporarily be returned to the applicant No.2 on executing his indemnity bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) and
  - c) The seized mobile i.e. Vivo V15 mobile bearing IMEI No.864641072859693, which was seized by the City Police Station, Shrirampur in connection with C. R. No.I 129/2026, temporarily be returned to the applicant No.3 on executing his indemnity bond of Rs. 40,000/- (Rupees Forty Thousand Only) subject to following conditions that :-
    - a) They shall not use the said vehicle and mobiles for any kind of illegal and unlawful purpose,
    - b) They shall produce it during the course of trial in the proceeding as and when required by this Court,
    - c) They shall not transfer, create any third party interest or encumbrance over the said vehicle and mobiles without prior permission of this Court,

- d) They shall not modify, alter or change the nature and present identification of the said vehicle and mobiles.
3. The I.O. is directed to prepare detail panchanama and take photographs of the seized vehicle and mobiles from all directions and obtain signature of the applicants on the reverse side of the photographs before handing over its possession to them. Applicants to bear the costs of the photographs. I.O. to annex the said panchanama and photographs along-with the final report.
4. Issue letter to the City Police Station, Shrirampur accordingly.

Place : Shrirampur.  
Date : 15/06/2026.

**(Jitendra D. Jadhao)**  
Judicial Magistrate First Class,  
Court No.1, Shrirampur.