

	Cri. M.A. No. 46/2026
	Adesh Milan Nakade Vs. State
	CNR NO. - MHAM130007272026

ORDER PASSED BELOW EXH.01
(Passed dated - 10/06/2026)

The present application is filed by the applicant namely Adesh Milan Nakade under Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking interim custody of mobile 11 PRO of Realme Company IMEI No. 864720068662434 and 864720068662426 with simcard.

02) Perused the application, documents filed with it and say filed by the Ld. AP and I.O. Heard Ld. Advocate for the applicant and the Ld. APP on behalf of the State.

03) As per the application, Police Station Mangrul Dastagir has seized Realme mobile 11 PRO with simcard in Crime Registration No. 157/2026 registered for the offence punishable under Section 310(4) of Bharatiya Nyay Sanhita, 2023 and 4, 25 of the Arms Act, 1959. Applicant being owner of above said mobile phone has filed present application for its interim custody. In support of the application, applicant has filed his affidavit, verified copy of the mobile purchase receipt and verified copy of his Aadhar card and copy of FIR.

04) The description of the mobile is as under:

..2..

Model : REALME 11 PRO
IMEI No. : 864720068662434
864720068662426

05) The Ld. APP for the state opposed the application on the ground that the said mobile Realme 11 PRO is seized by police station Mangrul Dastagir in Crime No. 157/2026. If the said mobile is released on suprutnama, it may again used in similar type of crime. Hence he prayed to reject the application. The Investigating Officer in his say has submitted that if the said mobile is released, there is possibility of selling and changing its nature. The applicant will not produce the said mobile as and when required by the court and it may be used in similar type of offence. Hence, he also prayed to reject the application.

06) Perusal of record reveals that, the applicant is the registered owner of the above said mobile. Purchase receipt filed on record bears the name of the applicant as the purchasing owner of the mobile. The apprehension of the Ld. APP that it may again be used in similar type of crime by the accused, changing its nature and non production of the same as and when required can be taken care of by imposing appropriate conditions. Moreover, it is submitted by the applicant that; he is ready to abide by all conditions which may be imposed by this Court. Considering these facts of the matter, no purpose would be served by keeping mobile in unattended condition at Police Station. Also, the Investigating Officer has not submitted in his

say that the said mobile is required for the purpose of investigation.

07) If mobile remains idle at Police Station, then there is possibility of getting it damaged. So there is no reason to reject the present application and more particularly in view of the law laid down by the Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai V/s State of Gujrat reported in AIR 2003 SC 638***, there is no use to keep seized properties at Police Station for long period and appropriate order needs to be passed immediately regarding return of property by taking appropriate bonds as well as security for return of the property, if required at the time of trial. In these circumstances, it would be just and proper to direct the applicant to produce above said mobile as and when directed by the Police Station and Court. Hence, the following order is passed:

ORDER

1. The application is allowed.
2. The interim custody of mobile 11 PRO of Realmi Company IMEI No. 864720068662434 and 864720068662426 with simcard.be given to the applicant on execution of indemnity bond of Rs. 30,000/- on the following conditions :
 - i) That the Mobile phone should be kept as it is and its nature should not be changed in any way.

..4..

ii) That the same should not be transferred, alienated, sold or modified till the decision of the trial court in Crime No. 157/2026 registered by Police Station Mangrul Dastagir.

iii) That the same shall be produced as and when directed by the Court and the Investigating Officer.

iv) That the same shall not be used for any illegal purposes.

3. The Investigating Officer is directed to prepare detailed panchnama of the said Mobile phone and shall take colored photographs and submit the same before this Court.
4. The Investigating Officer is hereby ordered to submit all relevant papers of release of mobile along with final report of Crime No. 157/2026 and he shall mention in it about the return of *muddemal* property to the applicant.
5. The above Suprutnama be furnish before I.O.

Date: 10/06/2026
Dhamangaon Rly.

Sd./-
(Lushnali L. Tamgadge)
Judicial Magistrate First Class,
(Court No. 2) Dhamangaon Rly.