


MHAU060003932026 	<b>Criminal M. A. No. 52/2026</b> <b>Shailesh Jaiswal Vs. State</b>
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**ORDER BELOW EXH. 01**

Applicant has filed present application for interim custody of Realme 7 Pro Mobile Phone bearing IMEI No. 861504056667388, seized in the crime no. 397/2025 register with Pishor Police Station for offence punishable under section **65 (e) of Bombay Prohibition Act.**

2. Applicant stated that, he is owner of the seized muddemal. It required for his daily use. If said mobile is laying at police station in unused condition, he would suffer economic loss. Therefore, he prayed for interim custody of seized muddemal on supurtnama and ready to obey every condition.

3. Learned A.P.P. filed say stating that, the seized muddemal phone is used by accused person in commission of offence, allegedly there are some transactions are made by accused by using said muddemal. That the accused is a habitual offender and he has previously committed similar kind of offence and there are some crimes are registered against him, which is the breach of conditions in previous matters. Therefore, applicant is not entitled to get custody of muddemal. If this muddamal is given to applicant, there is a possibility by the applicant to commit similar kind of offence. Hence he prayed to reject the application. Investigation officer also objected on the same line of APP.

4. Heard both the sides. Perused record. Applicant supported his claim by producing copy of purchase bill of mobile phone and

Aadhar Card . On perusal of purchase bill it is seen that, applicant is purchaser and owner of seized muddemal. Further, nobody except the applicant has claimed the custody of seized vehicle.

5. According, to me if the seized vehicle is kept idle at police station, then certainly he would suffer economic loss. Hence, it would be proper if the seized muddemal be returned to applicant. So also the investigating agency will not be looked after the same. At this juncture, it prima-facie shows that applicant is the proper person seeking interim custody of the seized property. In case, if it is given to him at this stage on certain terms and conditions, there will not be any harm for the prosecution. Considering above circumstances and law laid down by Hon'ble Supreme Court in *Sunderbhai Ambalal Desai's case*, I am of the opinion that applicant deserves for the custody of the seized property. Hence, I proceed to pass the following order.

#### **ORDER**

- 1] Application is allowed subject to future claim.
- 2] Seized **Realmi 7 Pro Mobile Phone bearing IMEI No. 861504056667388** , seized in **Crime No. 397/2025** register with Pishor Police Station, be returned to the applicant on his executing Indemnity Bond of **Rs. 25,000/- (Twenty Five Thousands Only)** with condition that he shall produce the same whenever required and as and when so directed by this Court and shall not create any material changes in the said property.
- 3] The applicant shall not alienate the said property or shall not create any third party interest over the same until decision of the case or without written orders of this Court.
- 4] Before handing over the seized property to present applicant, the investigating officer shall take photographs of the seized property and produce the photographs in the charge-sheet.
- 5] Investigating Officer is hereby directed to prepare detail panchanama while handing over the aforesaid seized property to present applicant and said panchanama be formed part of charge-sheet.

- 6] He shall produce the above said property as and when directed by this Court.
- 7] In the event of failure to abide by the above said conditions, the applicant shall liable to pay **Rs. 25,000/- (Twenty Five Thousands Only)** in the Court.
- 8] After compliance of this order by the applicant, copy of the order and indemnity bond be kept along with this proceeding and this order and original bond be kept with charge-sheet.

**Issue writ to the concerned Investigating Officer.**

Date : 09.04.2026  
Kannad.

( N. R. Dhoke )  
Judicial Magistrate First Class  
Court No.2, Kannad.

## CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : Rajesh M. Sonawane

Name of the Court : Shri N. R. Dhoke  
Judicial Magistrate First Class  
Court No.2, Kannad.

Date of the Order : 09.04.2026

Order signed by the  
Presiding Officer on : 09.04.2026

Order uploaded on : 09.04.2026