



**ORDER BELOW EXH.01 IN CRI.M.A.No. 31/2026**

[CNR No. MHCH06-000805-2026]

( Passed on 18/03/2026 )

Present application is filed under Section 457 of the Code of Criminal Procedure for interim possession of mobile handset of Vivo V30 company bearing IMEI No. 860159065298211, Sim of Jio company bearing no. 7020382866 and Sim of Vi Company bearing no. 9764543066 seized by police in crime No.314/2026 punishable under section 12 (a) of Prevention of Maharashtra Gambling Act registered with Ballarpur Police Station, Tal. Ballarpur, Dist. Chandrapur.

(2) It is contended that, applicant **Tushar Sudhakar Pogade** is owner of the said mobile and police has seized the aforesaid mobile during investigation. It is further contended by the applicant that he is ready to comply with conditions imposed if any and also undertake not to sell the said mobile without prior permission of the Court.

(3) I.O has filed his reply and submitted that, if the seized mobile released on supratnama then there would be possibility that the applicant may used the said mobile for gambling again. If it is released on supratnama subject to conditions imposed by the court. Whereas, the Ld. A.P.P. for State submitted that if the seized property released on supratnama applicant used the same to commit again the offence. Hence, she prayed for rejection of application.

(4) Heard both sides. Perused documents filed along with

application viz., verified copy of Aadhar card of applicant, verified copy of purchase receipt issued by The Mobile Hub and photocopy of F.I.R. From the say of I.O. it reveals that mobile handset of Vivo V30 company was seized during investigation from applicant. It is seen that the applicant has produced receipt of mobile which shows that he is the owner of the same. Moreover, I.O. and Ld. APP has not disputed the ownership of the applicant. As per settled law when there is no dispute about the ownership of seized property, it is desirable to return it to its owner. An electronic device cannot be expected to be lying idle with the police station. Hence, the objection of I.O. is bereft of merit. As per ***Sunderbhai Ambalal Desai Vs. State of Gujrat 2002 Supp(3) SCR 39*** Hon'ble Supreme Court of India held “*It is of no used to keep seized property at the police Station for the long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the seized property, if required at any point of time*”.

Protection, guarding and safe possession of said mobile at the police station is not reasonably practicable. Possibility of damage to the said mobile cannot be ruled out if kept lying in the Police Station.

(5) The applicant has shown entitlement to receive the seized mobile as he is authorized owner of it. The applicant is ready to abide all the conditions as may be imposed by the Court. Hence, the apprehension raised by the Ld. A.P.P. and the I.O. can be safeguarded by imposing appropriate conditions. The applicant is entitled for the interim possession of the seized mobile but subject to appropriate conditions. Hence, I proceed to pass following order:

**ORDER**

- (1) Application is partly allowed.
- (2) The interim possession of seized mobile handset of Vivo V30 company bearing IMEI No. 860159065298211 respectively in crime No.314/2026 registered with Ballarpur Police station, be handed over to the applicant **Tushar Sudhakar Pogade** on his executing bond of Supurtnama (Indemnity Bond) of Rs.50,000/- (Rupees Fifty Thousand only) for said mobile with following conditions :-
  - (a) He shall not dispose of the mobile by transfer, pledge, sale or by any other means without the prior permission of the court.
  - (b) He shall produce the mobile as and when required by the Court.
  - (c) He shall not change the color, nature of the mobile.
  - (d) He shall maintain and preserve said mobile and data therein in all respect.
  - (e) He shall not use said mobile for any illegal purpose.
- (3) I.O is directed to prepare the detailed panchnama of the said mobile and take its Colour photographs of seized mobile from each side prior to release the same and counter signed by the applicant at applicant's cost and submit it on record.
- (4) Copy of this order, detailed panchnama, photographs and supurtnama Bond be attached with final report/Charge sheet.

Place-Ballarpur  
Dt. 18/03/2026

**(Smt. S.N. Sawaleshwarkar)**  
Judicial Magistrate First Class  
Ballarpur