



ORDER BELOW EXH.01 IN CRI.M.A.No. 35/2026

[CNR No. MHCH06-000815-2026]

(Passed on 30/03/2026)

Present application is filed under Section 457 of the Code of Criminal Procedure for interim possession of mobile handset of Apple I phone company bearing IMEI No. 352485857035726 seized by police in crime No.334/2026 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 **Imran Rahim Sheikh** 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. Hence, he prayed for rejection of application. Whereas, the Ld. A.P.P. for State submitted that, if seized mobile released on supratama then applicant used the same for committing the same offence. Hence, she prayed to reject the application.

(4) Heard both sides. Perused documents filed along with application viz., verified copy of Aadhar card of applicant, verified copy of purchase receipt of mobile and photocopy of F.I.R. From the

say of I.O. it reveals that mobile handset of 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 Apple I phone company bearing IMEI No. 352485857035726 in crime No.334/2026 registered with Ballarpur Police station, be handed over to the applicant **Imran Rahim Sheikh** on his executing bond of supurtnama (Indemnity Bond) of Rs.1,00,000/- (Rupees One Lakh 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. 30/03/2026

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