

MHGA090015242025

R.C.C. No.247/2025

State

Vs

Sujal Shrinivas Mandal

Shri. Shrinivas Nishikant Mandal,
Age 45 years, Occu.- Farmer,
R/o. Laxmipur,
Tah. Mulchera, Dist. Gadchiroli,

Applicant ...

Vs

State of Maharashtra Through
Police Station, Mulchera,
Tah. Mulchera, Dist. Gadchiroli.

Non applicant ...

Order Below Exh.08.
(Passed on 27/03/2026)

1. The instant application is filed by applicant through his advocate under section 497 of Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing mobile hand set POCO C55 company IMEI No.1-864480069697927 seized in this case in connection with the crime No.72/2025 for the offence punishable u/s 137(2) of Bharatiya Nyaya Sanhita, 2023 registered against Sujal Shrinivas Mandal at Police Station Mulchera.

2. It is the contention of the applicant that, he is owner of above mentioned mobile hand set. On 08/09/2025 Mulchera police have seized the mobile hand set in the above crime. According to the applicant, the mobile hand set mentioned in the application belongs to him. The said mobile hand set is required for his daily use. The applicant is ready to abide

by any condition to be imposed by this court while releasing the mobile hand set.

3. Ld. APP has opposed the application and submitted that, the mobile hand set is the case property and prime evidence of the prosecution. Ld APP further submitted that, it reveals from the record that the call details record is in the mobile. On released, applicant may erase all detail record or tamper with the prosecution evidence. Ld. APP further submitted that, the trial yet to start and case is serious in nature and relates to kidnapping of the child. Therefore, he prayed to reject the application.

4. Heard both sides. Perused the application and documents filed with it. From the copy of Warranty Card it appears that the applicant is the owner of the said mobile hand set. No one has claimed the said mobile hand set except the applicant. If the said mobile hand set kept unused at the police station it will become defective. Considering the ratio laid down in **Sunderbhai Ambalal Desai Vs. State of Gujrat on 1 October, 2002**, the application deserves to be allowed. Therefore, I proceed to pass following order.

ORDER

1 Application is allowed.

2 Mobile hand set POCO C55 company IMEI No.1-864480069697927 seized in this case in connection with the crime No.72/2025 be returned to applicant Shri. Shrinivas Nishikant Mandal till the conclusion of the trial on executing indemnity bond of 10,000/- (Rs. Ten thousand Only) against the mobile hand set.

3 The applicant to undertake that he shall not sell, transfer or create any third party interest on the above mobile hand set and he shall not change the nature of mobile hand set. The applicant to maintain and preserve mobile hand set in all respects. The applicant shall produce the mobile hand set in question as and when required and directed by the court

and investigation officer. The applicant is further directed to undertake that he shall not use the mobile hand set in commission of any offence including the offence in which the mobile set was seized.

4 The I. O. is directed to prepare detail panchanama of the said mobile hand set, take photograph of the mobile hand set and release the above mobile set.

5 Prosecution is at liberty to approach this court for revoke the supratnama bond in case of breach of condition by the applicant or anybody on behalf of the applicant.

6 The record and proceeding of this application be attached to the chargesheet in crime 72/2025.

7 The custody of the said mobile hand set is interim pending trial and subject to final order in the case.

Dt. 27/03/2025

(Y.J.Valvi)
Judicial Magistrate F.C.,
Chamorshi.

CERTIFICATE

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

Name of Stenographer :Mr. S.N.Khandekar, Stenographer
(Grade-3)

Name of Court : Civil Judge (Jr.Dn.) &
JMFC, Chamorshi.

Date of Judgment/Order : 27/03/2026.

Judgment checked and
signed by Presiding Officer on : 27/03/2026.

Judgment uploaded on : 01/04/2026.