

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

SESSIONS CASE NO. 04/2024.
(CNR NO.MHGO01000712024)

State, PSO, Rawanwadi -Vs- Omprakash & oths

ORDER BELOW EXH. 88.

(Passed on this 05th day of April, 2024)

This is an application filed by the applicant/accused No.- Ajay @ Aju Omkar Turkar for releasing the Mobile OnePlus Nord CE3 Lite 862301066450296 on suprtnama.

2] The applicant submits that his above said mobile of OnePlus Nord CE3 Lite was seized by Police Station, Rawanwadi in Crime No. 281/2023 for alleged offence punishable under Sec. 143, 144, 147, 148, 149, 302, 364, 386, 341, 323, 504, 506 of IPC. He further submits that he is the owner of said mobile phone. He is one of the accused in the present crime and he has falsely implicated. The investigation in regards to the mobile phone is completed. He is bonafide owner of the said mobile phone and wants the said mobile for his daily work. He is ready to abide by any condition. He has placed on record the documents along with list of document Exh.89 which are in respect of adhar card and mobile purchase bill/invoice. It shows the name of applicant as the owner of the said Mobile OnePlus Nord CE3 Lite.

3] I.O. has filed reply at Exh.91 and has opposed the application on the ground that the offence is grievous. He may commit similar offence by using the said mobile, if released. He may tamper the evidence. He may change the color, appearance and sale the said mobile He has prayed for rejection of application.

4] Learned DGP Shri Chandwani has filed say at Exh.92 and opposed the application on the ground that the said mobile is used for commission of offence. If released, he may disposed of the mobile. He has prayed for rejection of application.

5] Perused the documents on record. The applicant is the owner of the said mobile as per the bill filed along with list of documents Exh.89. The investigation is completed and charge-sheet is filed. The applicant/accused is released on bail. It is not the case of the police that there is any footage of the incident in the said mobile. The mobile phone have now become necessity. No purpose will be served by keeping idle the said mobile-phone. Appropriate conditions can be imposed to produce and preserve the said evidence. Hence, I pass following order.

ORDER

1] Application (Exh.88) is allowed.

2] The Mobile Model OnePlus Nord CE3 Lite 862301066450296 be released on executing supratnama bond of Rs.15,000/- on the following conditions;

(i) The applicant shall not change the colour or appearance of the Cell-phone/Mobile.

(ii) The applicant shall not sell, alienate or transfer the said Cell-phone/Mobile without prior permission of the Court.

(iii) The applicant shall produce the said Cell-phone/Mobile as and when directed by the Court.

3] Application is disposed of accordingly.

Gondia.
Dated: 05.04.2024.

Sd/-*
(Adil M. Khan)
District Judge-1 & ASJ,
Gondia.