

MHGO040008622026

Cri. M.A. No. 75/2026



Hastakala Laxman Bhandarkar

Vs.

State of Maharashtra through
Police Station, Amgaon.

ORDER BELOW EXH. 1

This is an application filed by the applicant under Section 503 of Bharatiya Nagarik Suraksha Sanhita. Through this application the applicant is praying custody of the seized muddemal properties i.e. (1) Golden Nathani weight 2.120 grams, (2) Golden Pendal weight 2.200 grams, (3) Golden Mani 40 nos., which were seized in C.R. No. 216/2026 for the offence punishable under Section 305 of the Bharatiya Nyaya Sanhita registered with Police Station, Amgaon.

2. Applicant contended that, the above mentioned seized muddemal properties belongs to her. The applicant has kept the said muddemal property in the house of informant and the unknown person has stolen the said muddemal property from the house of informant. The Police Station, Amgaon has seized the said muddemal properties in connection with crime no. 216/2026. If said seized muddemal properties remained in Police Station, then said properties may be lost from the police custody and it of no use to keep the muddemal into police station. Applicant is an owner of the said properties. Hence, prayed for return of seized muddemal properties to her.

3. The investigation officer has filed his say and submitted that, he has seized the above mentioned properties from accused and he has no objection to release the said properties on specific conditions.

4. Learned APP has filed his say and contended that, he has no objection to release the said properties on certain conditions.

5. Applicant has filed on record the copy of FIR, copy of purchase receipt, copy of Aadhar card and copy of FIR along with list of documents (Exh. 3).

6. Heard learned advocate for applicant and learned APP. Perused the record. Applicant filed purchase receipt of the said muddemal properties in question. From perusal of said purchase receipt, it appears that, the name of applicant is mentioned as an owner of the said muddemal properties. From perusal of FIR, it appears that, one Sanjubai Ramkishan Pathode has lodged a report regarding theft of the above mentioned properties from her house. The applicant has kept her ornaments in the house of informant for safety. The Police Station, Amgaon has recovered the said muddemal properties from the accused. The investigation officer also contended that, he has no objection to release the said muddemal property into interim custody of the applicant. Therefore, it appears that, seized muddemal properties belongs to the applicant.

7. Now the question is whether the applicant is entitled to get possession of the seized muddemal properties. The object of the provisions of the Sanhita relating to the disposal of the properties, is not to retain the properties in the custody of the police or the Court, longer than the period which is necessary. If the seized muddemal properties kept in the premises of the police station or in Court, then there is possibility that, said seized muddemal may lost from the said place. From the available record, the applicant is seen to be a person who is entitled for the possession of seized muddemal properties.

8. Therefore, considering the above circumstances and observations, I do not find any reason to detain the seized muddemal properties in question in the police station. Further, it is also to be observed that, apart from the applicant, no one has claimed said seized muddemal till the date. If seized muddemal properties are released to the applicant then, applicant may use it for her own use. Hence, it would be proper to return

the seized muddemal properties to the applicant on specific bond. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. The Police Station Officer, Police Station, Amgaon is directed to hand over the interim custody of seized muddemal i.e. (1) Golden Nathani weight 2.120 grams, (2) Golden Pandal weight 2.200 grams, (3) Golden Mani 40 nos., to the applicant on executing indemnity bond (Suprutnama bond) of Rs. 50,000/- **(Rs. Fifty Thousand Only)**.
3. Applicant shall not alienate or transfer the seized muddemal properties till the disposal of the case or without the permission of the Court.
4. Applicant shall not make any substantial change in the appearance or the part of the seized muddemal properties or will not change its nature nor should change its colour.
5. Applicant to produce the seized muddemal properties as and when required for the purpose of investigation, inquiry or trial.
6. Investigating officer or concerned officer of the Court shall verify the original documents before handing over the seized muddemal properties to the applicant.
7. Information of the order be given to the concerned police station accordingly.
8. Proceedings and all documents of present application be kept in C. R. No.216/2026.
9. Issue yadi accordingly.

Date : 01/07/2026
Place : Amgaon.

(Sameer Gopal Gunari)
Judicial Magistrate First Class
Amgaon.