

MHKO050035522026 	<u>CRI.M.A. No. 208/2026</u> <u>Jayashree Abaso Ghatage</u> <u>Vs.</u> <u>State of Maharashtra .</u>
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ORDER BELOW EXH. 01

Applicant **Jayashree Abaso Ghatage** has filed present application seeking interim custody of gold ornaments mentioned in the said application, which were seized by Ichalkaranji Police Station in C.R. No. 153/2026 under section 304(2), 3(5) of Bharatiya Nyaya Sanhita.

2. It is the contention of applicant that, applicant is the owner and possessor of seized muddemal mentioned in the said application. The description of the seized muddemal as follows, अ]८.०० ग्रॅम वजनाचे सोन्याचे मंगळसूत्र. The seized property is lying in idle condition with the Police Station, Ichalkaranji from the date of its seizure. At last, applicant prays for giving interim custody of the above said property on certain conditions.

3. The I.O. and the Ld. A.P.P. have filed their say and contended that, appropriate order be passed. Ld. A.P.P. contended that, it is important evidence and if interim custody of muddemal is handed over she may change the nature of muddemal, hence she prayed to reject the application.

4. In support of the application, she has filed F.I.R. copy in C.R. No. 163/2026, Gold Purchase bills receipts and copy of Adhaar card of applicant along with **Exh.3**. The purchased receipt of gold ornament shown on the name of the applicant. After

perusing copy of FIR from it appears that weight of muddemal mentioned in the application is same as per FIR.

5. From the documents filed on the record it appears that applicant has purchased gold ornaments on 13/12/2024 from Ram Jeweller's. On perusal of the said application, it appears that, the applicant is the owner and possessor of the seized muddemal. Also, if the seized property is kept as it is with the Police Station in idle condition, there is possibility of it being damaged by dust, atmosphere etc. Moreover, except the applicant nobody has come forward to claim the custody of seized property. Also, I feel guided by the judgment in the case of **Sunderbhai Ambalal Desai vs State of Gujrat reported in AIR 2003 SC 638**, in which the Hon'ble Apex Court has directed to hand over interim custody of articles to the owner. In such circumstances, as applicant is the owner of the seized property, I find no impediment to hand over interim custody in favour of the applicant. In the result, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) The custody of seized अ]८.०० ग्रॅम वजनाचे सोन्याचे मंगळसूत्र (अर्धा भाग) be handed over to the applicant on his executing an indemnity bond of Rs. 2,00,000/- (Rupees Two Lakh only). The indemnity bond shall be executed before the Investigating Officer, Ichalkaranji Police Station.
- 3) Investigating Officer is hereby directed to take

photographs and prepare detailed panchnama about release of seized property.

- 4) The applicant is directed to produce half portion of gold Mangalsutra before I.O. I.O. is directed to verify half portion of both part of Mangalsutra and then hand over custody of Mangalsutra to the applicant. Applicant is directed to produce aforesaid property as and whenever required by this Court.
- 5) Applicant shall not any kind of alienate or create third party interest in the said property and shall not change the nature and design of the said property till final disposal of the case.
- 6) In case, if it is proved on merits that any person other than the applicant is entitled to have the custody of seized property then, applicant shall have to return the same to such person.
- 7) Copy of this order be sent to the Police Station, Ichalkaranji for information and necessary action.

Date : 10/08/2026
Place : Ichalkaranji.

(A. M. Gaikwad)
Judicial Magistrate First Class,
Court No. 3, Ichalkaranji.