

MHJN010001372026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2
JALNA

CRIMINAL MISCELLANEOUS APPLICATION No.04 OF 2026

Santosh s/o Mahadev Khandekar Applicant

Vs

State of Maharashtra Respondent

Appearance:

Shri.N.D.Runwal, the learned counsel for the applicant

Shri.B.V.Ingle, the In-charge D.G.P. for the State/respondent.

ORDER PASSED BELOW EXH.01
(Delivered on 07.05.2026)

. This application is preferred by applicant/accused Santosh s/o Mahadev Khandekar, who was arrested by police station Kadim Jalna in crime no.440 of 2025 for an offences punishable under Sections 7 of the Prevention of Corruption Act, 1988.

02. Perused this application, which is supported by an affidavit Exh.4. Say of the prosecution has been called for. The Investigating Officer has filed the say vide Exh.7. The prosecution has also made the submission.

03. I have heard the learned advocate Shri.N.D.Runwal for the applicant and Shri.B.V.Ingle the learned In-charge D.G.P for the State.

04. It is the case of the prosecution that, at the time of raid, the Investigating Officer has taken search of the house of applicant and one mobile hand-set of Samsung Company, Galaxy-Z 4 Fold Model – SM – F936B/DS, Grey Colour, bearing IMEI No.01-354596207240612 & IMEI No.02-356684617260618 worth Rs.15,000/-, one Laptop of Dell company mentioning Vostro 15 45173SDPP1/20265100, Desktop – 3PRF7V9, Processor – Intel® Cor (TM) i3 – 6006U @ 2.00 GHz, Graphics Card – AMD Radeon HD 8500M (2 GB) Intel (R) HD Graphics 500 (128 MB) of Black colour and total cash amount of Rs.5,19,500/- was seized. The wife of the applicant viz. Sau. Sulbha Santosh Khandekar has informed the Investigating Officer that she has raised a gold loan from the Jai-Hind (M.S.) Nagri Sahkari pat-Sanstha Ltd., Sangola, Taluka: Sangola, District: Solapur by mortgaging her gold with the said Pat-Sanstha and withdrew cash amount of Rs.8,00,000/-.

Previously, the applicant has withdrew Rs.2,00,000/-. The applicant and his wife have submitted the documents showing the cash in hand to ACB, but the Investigating Officer did not pay any heed to their submission and seized the same. In the present case the case-diary was called. Even the Investigating Officer was heard.

05. To support its contention, the present applicant/accused vide list Exh.3 has filed the attested copy of bill receipt of mobile hand-set. While pressing for the interim custody, the learned advocate for the applicant has placed reliance on the case of Smt. Amrutha W/o H.B.Mallappa Vs. State by Anti Corruption Bureau, Kalaburagi District reported in Criminal Revision Petition No.200033 of 2020, wherein the Hon'ble High Court on certain conditions has given interim custody of cash and gold ornaments. In that ruling, there was discussion of the case of Sunderbhai Ambalal Desai Vs. State of Gujarat reported in AIR 2003 Supreme Court 638.

06. Upon hearing both the sides, the learned In-charge D.G.P. Shri.B.V.Ingle has fairly submitted that the facts of the present case and facts of the ruling cited supra by the applicant is quite similar and conditional interim custody of the mobile hand-set and the cash amount can be handed to the applicant/accused.

07. From the application and reply of prosecution it is seen that there is difference in the cash amount sought by the applicant. As per applicant the said amount is Rs.5,19,500/- (Rs. Five Lakh, Nineteen Thousand and Five Hundred only), whereas, the prosecution submitted the amount of Rs.5,20,000/- (Rs. Five Lakh, Twenty Thousand only). Clarification was sought from prosecution and vide Exh.13, it is submitted that the amount is Rs.5,19,500/- (Rs. Five Lakh, Nineteen Thousand and Five Hundred only).

08. The mobile phone and laptop are sought to be returned to the applicant. The applicant has filed along with Exh.9 the panchnama of mobile and laptop, therefore it is clear that both these articles were verified and proper panchanamas were performed.

09. In the present case, the applicant who is the accused, is not disputing about raid conducted by the Anti Corruption Bureau, registration of the offence by the police and seizure of the mobile hand-set, laptop and cash amount from his house and seizure panchnamas were prepared. Thus, relying upon ruling of Sundarbhai Ambalal Desai's case and case of Smt.Amrutha w/o H.B.Mallappa (cited supra), as the applicant has admitted the seizure and as the applicant has filed the details and receipt bill of mobile hand-set, and photocopy of

seizure panchnama of laptop showing that the laptop has seized from the possession of the present applicant, by relying upon aforesaid rulings, the interim custody of cash amount and mobile hand-set and laptop can be granted in favour of the applicant.

10. Considering the nature of the property and the guidelines in the rulings cited supra, it being the valuable property no purpose would be served in keeping the cash amount, mobile hand-set and laptop in the custody of the police. The present application thus deserves to be allowed. Hence, I pass following order:

ORDER

1) The application is allowed on following conditions:-

- i) The cash amount of Rs.5,19,500/- (Rs. Five Lakh, Nineteen Thousand and Five Hundred only) shall be released as interim custody in favour of applicant subject to condition that the applicant shall execute indemnity bond of the same amount to that effect.
- ii) The applicant shall also furnish two solvent sureties for the same value and the seized cash amount and further shall file an affidavit admitting seizure of currency notes from her possession during the raid conducted by the Anti Corruption Bureau.

- iii) The interim custody of the mobile handset of Samsung Company, Galaxy-Z 4 Fold Model – SM – F936B/DS, Grey Colour, bearing IMEI No.01-354596207240612 & IMEI No.02-356684617260618, be handed over to its registered owner Santosh s/o Mahadev Khandekar, on his executing indemnity bond of Rs.50,000/- (Rs. Fifty thousand only).
- iv) The interim custody of Laptop of Dell company mentioning Vostro 15 45173SDPP1/20265100, Desktop – 3PRF7V9, Processor – Intel® Cor (TM) i3 – 6006U @ 2.00 GHz, Graphics Card – AMD Radeon HD 8500M (2 GB) Intel (R) HD Graphics 500 (128 MB) of Black colour be handed over to its registered owner Santosh s/o Mahadev Khandekar, on his executing indemnity bond of Rs.1,00,000/- (Rs. One Lakh only)
- v) The applicant shall not sale, transfer or dispose of the said mobile handset and laptop or change its colour or form etc. without prior permission of the Court, till the disposal of the trial.
- vi) The Investigating Officer is directed to take photographs of the mobile handset and laptop from all angles and also prepare the detailed panchnama by obtaining signature of registered owner and it shall be placed on record, so that, the same can be used at the time of trial.

vii) The charges of the photographs should be borne by the applicant.

viii) The applicant shall produce the said mobile handset and laptop as and when directed by the Court, to do so, during the trial or proceedings.

2) With these conditions, the application is allowed and disposed of.

Date- **07.05.2026**

(Nazera S. Shaikh)
Additional Sessions Judge – 2,
Jalna

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original.

Name of Stenographer	: P.S.Tayade
Name of the Court	: Court of Addl. Session Judge-2, Jalna
Date of PDF	: 07.05.2026

Stenographer