

MHJN080006712026 	ORDER PASSED BELOW EXH.1 IN CRIMINAL M. A. NO.70 of 2026
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The present application is preferred by the applicant under the provisions of Section 503 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The applicant is praying for custody of the seized Mobile.
3. Following are some important details necessary for determination of this application:-

Applicant No.1	Kailas Viththal Dhere
R/o.	Bodkha Bu., Tq.Ghansawangi, Dist. Jalna
Mobile Handset	-
IMEI Number	868218074333575, 868218074333567
Applicant No.2	Shivaji Dagdu Chothe
R/o.	Ghansawangi, Tq.Ghansawangi, Dist. Jalna
Mobile Handset	Vivo Y39 5G
IMEI Number	866003079496417, 866003079496409
Crime Number	71/2026
Police Station	Tirthpuri
Offence Punishable	Section 12 A Maha. Gambuling Act.

4. It is contention of the applicants that the above mobile handset is seized in Cr.No.71/2026 by the Tirthpuri police station. It is further contention that custody of the seized mobile handset is necessary for their personal use. If custody of seized mobile handset is not given to them, therefore there is possibility of causing damage as lying in idle condition for long time. The are ready to abide the conditions imposed by the Court

upon them.

5. I.O. despite sufficient opportunity failed to file his say. Hence, application proceeded without say of I.O. APP filed overleap the application and objected to released Mobile handset.

6. In support, the applicant has filed the following documents :-

- A Original copy of Mobile receipt,
- B Verified copy of Adhar Card of applicant.
- C Copy of F. I. R.

7. Heard.

8. On perusal of application, say and documents filed on record it appears that the seized Mobile handset stands in the name of the applicants. From the above mentioned documents, the applicants appears to be the owner and possessor of the seized Mobile handset.

9. The Mobile handset is in the custody of Police. As the seized mobile handset is in the custody of the Police from long time, the possibility of causing damage to it cannot be ruled out as the same is lying idle in the Police Station. Further, it can be seen from the documents on record that the applicants are the owner of the seized Mobile handset.

10. There is no other claimant over the seized Mobile handset till today. No fruitful purpose would be served by detaining the seized mobile. Thus, from the above facts and circumstances, I am of the view that the applicants are entitled for interim custody of the Mobile handset. I therefore pass following order.

ORDER

1. The application is allowed.
2. The Mobile having IMEI No. 868418074333575 &

868218074333567 Crime No. 71/2026 be handed over to applicant No.1 namely Kailas Viththal Dhere till the conclusion of the trial on his executing indemnity bond of Rs.17,000/- (Rupees Seventeen Thousand only).

3. The Mobile namely Vivo Y39 5G having IMEI No. 866003079496417 & 866003079496409 Crime No. 71/2026 be handed over to applicant No.2 namely Shivaji Dagdu Chothe till the conclusion of the trial on his executing indemnity bond of Rs.17,000/- (Rupees Seventeen Thousand only).
4. The applicant to undertake that he shall not sale, transfer, alienate, transfer or create any type of third party interest over the seized Mobile without prior permission of the Court. The applicant to maintain and preserve the mobile in all respects and produce the same in the Court as and when directed.
5. The applicant shall not change the nature and color of the seized Mobile handset.
6. Investigation Officer is directed to prepare the detailed panchnama and also to take photographs of the seized Mobile handset before handing over the custody. The applicant to bear the cost of photographs. Photographs shall be signed by the panchas and counter signed by the I.O. The photographs shall be filed to this Court With Charge sheet
7. The original Suprutnama and true copy of this order be tagged with Charge sheet
8. Investigation Officer is directed to file the compliance.
9. This application stands disposed of. Case and proceeding be disposed of accordingly.

Sd/-

Dt. 29/07/2026

(Smt. L. N. Panchal)
Judicial Magistrate First Class,
Court No.2, Ghansawangi.