


MHKO010012562024 	Order passed below Exh.11 in Sessions Case No. 68/2024 <i>(State of Maharashtra Vs. Tushar Tukaram Nejdar)</i>
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This application is filed by the applicant Tushar Tukaram *Nejdar* for interim custody of mobile phone was of One Plus 7 Pro company as described in the application which was seized by Shahupuri Police Station in C.R.No.10/2024, registered under Section 143, 147, 149, 307, 120B, 327, 341, 427 of IPC.

2. The investigation is completed and charge-sheet is filed. Shri. A.M.Peerzade, the learned APP, on the basis of say at Exh.26 filed by the Investigating Officer has admitted that the seized mobile handset in question have been seized in connection with this crime. He does not dispute the fact that the present applicant is the owner of the said mobile handset. The applicant has also produced purchase receipt of his mobile handset on record. The say of the Investigating Officer does not disclose that the mobile handset is required for investigation.

3. Having considered the rival submissions and the guidelines issued by judgment of the Hon'ble Supreme Court in ***Sunderbhai Ambalala Desai Vs. State of Gujarat (2002 DGLS (SC) 847)*** I deem it appropriate to allow this application and give interim custody of seized mobile handset to the applicant on bond (Suprutnama) on certain conditions. The data stored on this mobile phone which could be required at the trial, if copied on any removable device such as pen drive, SD card, memory card, CD etc. under panchnama, that will serve the purpose of the trial and it is not necessary to keep the mobile phone in idle. Hence, the order.

ORDER

- (1) The application is allowed.
- (2) The muddemal mobile phone was of One Plus 7 Pro, Model-7 Pro, IMEI No.865166047104644 colour Brown, which was seized in C.R. No. 10/2024 by Shahupuri Police Station, be given in interim custody of the applicant *Tushar Tukaram Nejdar* , on the following conditions:
 - (a) The Investigating Officer may copy the relevant data stored in the said mobile phone on any other device viz. CD, memory card, pen drive etc. under panchnama in presence of the applicant, who shall sign such panchnama with and undertaking of the applicant that he shall not dispute the fact of copying such data from his mobile phone.
 - (b) That the applicant shall execute a bond (*Suprutnama*) of Rs.32,000/-.
 - (c) The applicant shall not make any material change in this mobile phone nor shall sell or dispose of mobile phone without permission of this Court.
 - (d) The applicant shall not use this mobile phone for any criminal activity.
 - (e) The applicant shall produce the said mobile phone as and when directed by this Court.
- (3) Issue letter to the Shahupuri Police Station on compliance by the applicant.

Date: 22/04/2024

(S.R. Salunkhe)
Additional Sessions Judge,
Kolhapur.