

**ORDER BELOW EXH.1 IN****Cri. M. A. No.188/2026****(Durgesh Jadhav vs. State of Mah.)**

This is an application filed by the applicant under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing the seized properties w.e.f. Mobile handset of Oppo company F-31 Pro Plus 5G 12 GB (IMEI No.866418082465391) as mentioned in the application. The applicant comes with a case that, the above property is seized from him. The seized property in C.R.No.995/2025, which is registered for committing the offences under sections 11(1)(h), 11(1)(d) of The Prevention of Cruelty to Animals Act, 1960 and under sections 177, 130, 184, 192 of the Bharatiya Nyaya Sanhita, 2023 etc., by police of Shahupuri Police Station, Kolhapur. Therefore, he is entitled to file this application. Further, he submitted that, if the seized property remains idle in the custody of police at police station, then there is possibility of causing economical loss. Therefore, prayed to be released in the interim custody of applicant on bond. He is ready to abide all terms and condition, which will impose by the Court.

02.The I.O. has filed his say, wherein he has given his no objection to grant the application.

03. The learned A.P.P. has filed his say and opposed the application by filing his say by submitting that, if application is allowed and mobile handset released on bond, then it is possibility that, applicant would not produce it in the court at the time of trial, and change the structure of mobile handset. Further it is submitted that, if court comes to the conclusion to allow the application, then certain terms may kindly be imposed.

04. Considering the aforesaid reasons and the submissions of Ld. Advocate for the applicant, I am of the opinion that, the entitlement of the applicant to the interim custody of the seized mobile handset. Hence, it would be just and proper to release the seized property in the interim custody of the applicant till the final disposal of the case of C. R. No.995/2025. In the result, I proceed to pass following order :-

ORDER

- 1) The application is allowed as under.
- 2) The seized property i.e. mobile handset of Oppo company F-31 Pro Plus 5G 12 GB (IMEI No.866418082465391) as mentioned in the application be released in the interim custody of applicant on Supurtnama of applicant executing bond of Rs.10,000/- (Ten Thousand Only).
- 3) The applicant is directed not to change the nature of the seized mobile handset in question, not to alienate it by any mode of transfer till the final decision of the case and shall produce the seized mobile in question as and when directed by the Court.
- 4) The record and proceeding of the present application be kept along with the original case of C. R. No.995/2025.
- 5) I. O is directed to prepare detailed handing over panchnama of the said mobile handset and collect two photographs of the said mobile from the applicant.
- 6) Issue yadi accordingly.

Date :- 23.03.2026.

(M. M. Gadiya)
Chief Judicial Magistrate, Kolhapur.