


MHKO030029152026 	<p style="text-align: center;"><u>Cri.M.A.No.282/2026</u> <u>Order passed below Exh.No.01</u></p> <p style="text-align: center;">Avdut Jagnath Bhalere Vs. State Of Maharashtra</p>
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The present application is filed u/sec.503 of B.N.S.S. in crime No.23/2026 registered with Laxmipuri police station, for getting seized mobile of OPPO company handset IMEI no.864483077435017 with Airtel Sim card.

2. Perused the application and documents in support of the same. Ld.APP filed her say at Exh.6 and contended that, the investigation is at primary stage and for proper investigation mobile handset is necessary evidence. If mobile handset will returned to applicant, the possibility to sale or change the nature of mobile cannot be ruled out, therefore, prayed to reject this application. I.O. filed their say at Exh.5 and contended that, seized muddemal is necessary evidence. Hence, he prayed for rejection of application.

3. In the application applicant contended that, he purchased seized muddemal from Vinod Tilavi. In support of his contention he filed xerox copy of FIR at Exh.3/1, mobile Tax Invoice in the name of Vinod Tilavi at Exh.3/2, and Adhar-card of applicant at Exh.3/3. These documents show that the seized property belongs to the applicant. Soon before the crime, he was the owner and custodian of the same. Trial is going to take its own time. Considering the nature of crime I do not find it worth to deny the interim custody to the applicant. Again no purpose will be served by keeping the muddemal outside custody of applicant. Therefore, the applicant has proved his ownership over the seized mobile

handset and therefore he is entitled to get interim custody of mobile handset. In view of the Judgment of Hon'ble Supreme Court in *Sundarbhai Desai v/s State of Gujrat*, it is justified to grant interim custody to the applicant in the interest of justice. Hence, following order -

<u>ORDER</u>	
1.	The application is allowed.
2.	The PS. Laxmipuri is directed to handover interim custody of seized OPPO company handset IMEI no.864483077435017 with Airtel Sim card to the applicant Avadhut Jagannath Bhalere till the conclusion of the trial subject to condition that he shall execute the indemnity bond of Rs.10,000/- (Rupees Ten Thousand only).
3.	The applicant is directed that, he shall not sell, exchange or make any change in the said mobile till conclusion of trial and shall produce it as and when directed by this Court or I.O.
4.	I.O. is directed to prepare detailed panchnama, obtain photographs from front, back and both sides of the said mobile in order to have identification of it. The said panchnama shall be submitted along with charge-sheet.

(Dictated and pronounced in open Court.)

Kolhapur.
Date: 04/04/2026.

(Smt. Pankaj B. Rajput)
Judicial Magistrate First Class,
Court No.11, Kolhapur.