


MHKO030093612025 	<p style="text-align: center;"><u>R.C.C.No. 772/2025</u> <u>Order passed below Exh.No.25</u></p> <p style="text-align: center;">Harshvardhan Yogesh Patil Vs. State of Maharashtra</p>
---	---

The present application is filed u/sec.503 of B.N.S.S. in Regular Criminal Case no.772/2025, for getting seized Samsung Z FOLD 4 mobile bearing IMEI No. 344636530253364 and 356486800253347

2. Perused the application and documents in support of the same. Ld.APP has filed her say on the overleaf of this application, she has no objection to return seized muddemal to applicant on certain terms and condition. On the other hand I.O. filed his say to this application and strongly opposed to return this seized muddemal to applicant.

3. The applicant filed xerox copies of mobile bill and Aadhr Card. 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 and therefore he is entitled to get interim custody of mobile. 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 at exh.25 is allowed.
2.	The P.S. Laxmipuri is directed to handover interim custody of seized Samsung Z FOLD 4 mobile bearing IMEI No. 344636530253364 and 356486800253347 to the applicant Harshvardhan Yogesh Patil 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 motorcycle and 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: 28/08/2025.

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