

MHKO070002782026



**ORDER BELOW EXH. 1 IN**  
**CRIMINAL M.A. NO. 34/2026**  
**Raju Bhupal Chougule Vs State of**  
**Maharashtra Through Shirol Police**  
**Station**

This is an application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for return of the seized mobile handset of Vivo V40, sky blue in colour, along with Airtel SIM Card No. 8484888839, bearing IMEI No. 863799078598177, seized in Crime No. 37/2026 of Shirol Police Station for the offence punishable under Section 12 of the Maharashtra Gambling Act, 1887.

2. Perused the application which is supported by an affidavit, and the documents filed along with the application. The applicant has filed a photocopy of the FIR at Exh.3/1, verified copy of purchase receipt of said mobile at Exh.3/2 and a verified copy of the Aadhar Card at Exh.3/3. The I.O. filed his say at Exh. 6 and Id. APP filed her say at Exh.5. The I.O. and Id. APP resisted the present application and prayed for rejection of the application.

3. Heard the Ld.Adv. for the applicant and Ld.APP for the state.

4. As per contention of applicant, hhe is using the said mobile for his daily transaction. Upon perusal of copy of FIR and say filed by the investigating officer it becomes clear that he has seized the said mobile in crime No.37/2026. By filing the verified purchase receipt the applicant has prima facie shown his

entitlement over the seized mobile. No other claimant has come forward to object the ownership of the applicant over the said mobile handset and sim card. If said mobile lying in the premises of police station, it will be damaged. No purpose would be served in keeping the said mobile lying in the police station till conclusion of trial which will take its own time. The possibility of damage of said mobile can not be ruled out if kept lying at the police station. Applicant undertakes he will abide all the condition imposed by the court. He has proved his identity by filing verified copy of Aadhar Card. No doubt the said mobile will be required for evidence purpose during trial. However, preparing a panchanama and taking necessary photographs of the said mobile at the time of handing over its interim possession to the applicant and by directing the applicant to produce said mobile as and when directed will suffice the purpose. Considering the direction of Hon'ble Supreme Court of India in the matter *Sundarbhai Ambalal Desai vs. State of Gujarat, reported in AIR 2003 SC 638*, I find no legal impediment in allowing this application in the backdrop when applicant has duly proved her entitlement for the interim custody for the said vehicle. Hence, I hold that, applicant is entitled for the interim possession of said vehicle and mobile, but on following conditions. In result, I pass following order:-

**: ORDER :**

- 1] The application is allowed on following terms and conditions -
  - A] The Police Inspector, Shirol Police Station, is hereby directed to hand over the interim custody of the seized

muddemal, i.e., mobile handset of Vivo V40, sky blue in colour, along with Airtel SIM Card No. 8484888839, bearing IMEI No. 863799078598177, seized in Crime No. 37/2026 of Shirol Police Station to the applicant after due verification subject to the applicant furnishing an indemnity bond of Rs. 15,000/- (Rupees fifteen Thousand only) before the concerned Police Officer.

- (iii) The applicant shall not sell or transfer said muddemal without the prior permission of the Court, nor should he change the nature of said vehicle in any manner till conclusion of trial.
- (iv) The applicant shall produce said muddemal in the Court/Police Station as and when directed.
- v) Investigating Officer in the said crime shall prepare Panchanama and take necessary photographs of said vehicle, at the costs of applicant. The investigating officer is directed to release the aforesaid mobile after due verification of its valid insurance.
- vi) Investigating Officer shall attach said Panchnama, photographs and indemnity bond (Supurnama) with original case papers of said crime.
- vii) This order be digitally signed and it shall be uploaded on the e-courts portal through C.I.S.

Date: 10/03/2026

[ M. S. Patil ]  
Judicial Magistrate First Class  
(Court No.2) Jaysingpur