

MHKO110004162026



Cri. Misc. Appln. No.39/2026.

(CNR No.MHKO110004162026)

Order Below Exh.01

(Dhanaji Shankar Mane Vs State Of Maharashtra)

01. This is an application made under section 503 of the Bharatiya Nagarik Suraksha Sanhita, by the applicant – Dhanaji Shankar Mane, for releasing Vivo V50E5G, mobile handset having IMEI No.868185072499890 on supurtnama.

02. Investigating Officer filed his say vide **Exh.04** and requested to reject the application. Learned A.P.P. appearing for the State also filed his say vide **Exh.05** and requested to reject the application. Perused the documents. Heard both the sides.

03. It is the case of applicant that, applicant owned the mobile, Vivo V50E5G, mobile handset having IMEI No.868185072499890. Applicant has used said mobile for his personal use and it is seized by the police machinery in Crime No.45/2026. Therefore, he has prayed to return the said seized mobile.

04. Having considering the submissions of the parties and perusal of documents filed on record, it appears that, applicant has owned seized mobile as he has filed on record below list **Exh.03** the photocopy of the Tax Invoice of the seized mobile, copy of F.I.R., and photocopy of his Aadhar Card. Thereby, he prima-facie having good

title against seized Mobile. The seized Mobile now at police station and if it be remained there, seized mobile may get damaged. More so, the police station is not a place to keep seized mobile phone of a crime. In fact, seized muddemal is required to be returned to the applicant, who is appearing entitled for on executing indemnity bond. Thus, I find that, the instant application needs to be allowed, being applicant is appearing entitled to have possession thereof on the basis of cash memo of Vivo V50E5G, mobile handset having IMEI No.868185072499890.

05. It is also pertinent to note here that, till today no other person than applicant made application to claim the muddemal in question. So considering this fact and nature of the muddemal in question, I am of the opinion that, applicant is entitled for the interim custody of the muddemal in question. In the result, I pass the following order :-

ORDER.

1. The present application is allowed.
2. Investigating Officer in Crime No.45/2026 of Vadgaon Police Station is hereby directed to release the Vivo V50E5G, mobile handset having IMEI No.868185072499890 of the applicant – Dhanaji Shankar Mane by executing indemnity bond of Rs.30,000/- (Rs. Thirty Thousand) on following conditions :
 - i] Applicant to produce the said mobile as and when directed by the Court.
 - ii] Applicant will not sell or mortgage or any way transfer the said mobile to anybody or create third party interest in the said mobile.

- iii] Applicant will not make the structural change and colour of the said mobile.
 - iv] Investigating Officer is directed to take photographs of said mobile at the cost of applicant and prepare panchnama accordingly. Investigating Officer is also directed to file the same along-with the charge-sheet.
3. Supurtnama to be executed at concerned police station.
 4. Application is disposed off accordingly.

Date : 06/04/2026.

(**Shrinivas A. Kulkarni**)
Judicial Magistrate First Class,
Peth-Vadgaon.