

MHKO130005542026



ORDER PASSED BELOW EXH.1 IN Cri.M.A.NO. 59/2026.

**Mangal Raghunath Mane Vs. State of Maharashtra Th. Murgud
Police Station.**

1] Present application is filed by Mangal Raghunath Mane for return of muddemal property i.e. 1] One gold single strand Mohanmal approximately weighing 2.75 tolas, of Rs. 1,40,000/-vide section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2] Learned A.P.P, & I.O. has filed their say. Ld. A.P.P. has submitted that prosecution has objection to hand over the custody of the seized articles to the applicant. Moreover, I.O. has no objection to return said muddemal to applicant on appropriate terms and conditions.

3] It is the case of applicant that said muddemal property was owned by the applicant. Accordingly, she has lodged report regarding theft of the alleged muddemal with Murgud Police Station. On the basis of which C.R.No. 91/2026 was registered.

4] It is further submitted that the muddemal is recovered by concerned police station and the same is kept idle in the police station. It is also submitted that applicant is owner and possessor

of said muddemal and applicant may suffer irreparable loss because of damage caused to the muddemal.

5] In support of his application, applicant has submitted copy of FIR, and verified copy of her Aadhar Card. Applicant has filed an affidavit regarding the loss of purchase receipt of the alleged muddemal. She is ready to submit indemnity bond as may be required by the Court. Applicant has shown readiness to abide the terms and conditions laid down by the Court.

6] Heard the learned advocate for the applicant and learned A.P.P. for the State. Perused the application, say filed by the learned A.P.P. and I.O.

7] Perused the record of the case and document filed on record. Applicant has lodged the report regarding the theft of the alleged muddemal as mentioned in the paragraph no.1. More importantly, it is significant to note that during investigation, concerned I.O. has seized the said muddemal.

8] Considering above mentioned aspects, it appears that, applicant has prima-facie prove her lawful possession, ownership and claim to the above mentioned seized muddemal. The said seized muddemal is not claimed by anybody except the applicant. No purpose would be served in keeping the seized muddemal lying in the police station. The possibility of the damage of the property can not be ruled out if kept lying idle in the police station.

9] As the applicant has prima-facie shown her possession/ownership & lawful claim of the seized property, she is entitled for possession of the same. Therefore, applicant being owner of the said muddemal in question, the said may be released temporarily in her favour till the conclusion of trial, by imposing certain conditions. In view of the directions of the Hon'ble Supreme Court in the matter of *Sunderbhai Ambalal Desai V/s. State of Gujrat (A.I.R. 2003 Supreme Court 638)* and the aforesaid reasons, in the interest of justice, the application is deserved to be allowed. Hence, I proceed to pass the following order :-

ORDER

- 1] The application is allowed.
- 2] The seized property i.e. 1] One gold single strand Mohanmal approximately weighing 2.75 tolas, of Rs. 1,40,000/-, which was seized by Murgud Police Station in C.R. No. 91/2025 be released temporarily till the conclusion of the trial in favour of applicant on furnishing indemnity bond of Rs. 2,00,000/- only (Rs. Two Lakhs Only).
- 3] The P.S.O. Police Station, Murgud is directed to hand over said muddemal to the applicant – **Mangal Raghunath Mane** which is seized in the C.R. No.91/2026.
- 4] The applicant shall produce the said muddemal, as and when directed by the court and he shall undertake that :-
 - i) She shall not change the nature of the said property;
 - ii) She shall not alienate/sell the said property;

- iii) She shall maintain and preserve the property in all respects.

5] Investigating Officer to prepare the detail panchnama while handing over the said muddemal to the applicant and file panchnama in the charge-sheet. Investigating Officer is directed to take photograph of the said muddemal and submit it along with panchnama. Photographs of aforesaid articles are attested & countersigned by the informant/applicant to whom the custody is handed over.

6] Copy be forwarded to Murgud Police Station for information and necessary action.

7] Copy of this order along with all papers of panchnama, whenever filed before the Court shall be kept along with charge sheet.

8] The application is disposed of accordingly.

Place : Kagal
Date : 13/07/2026

(Pranita S. Patil)
Judicial Magistrate First Class,
Kagal.