

**Rushikesh Ramchandra Khot V/s.  
State of Maharashtra.**



**ORDER BELOW EXH - 01.**

The present application has been filed for seeking the release of Mobile i.e. OPPO F 31 5G, colour midnight blue having IMEI No.866048083643595 seized by the Panhala Police Station, in the Crime No.89/2026 punishable u/s 2,4,5(3) of punishable u/s 2,4,5(3) of The Medical Termination of Pregnancy Act, 1971, u/s 33 of Maharashtra Medical Practitioners Act,1961 read with 3(5) of BNS Act.

**02.** The I.O. has filed say at **Exh.4/C** and has objected that the said mobile is used while committing the offence, it is directly connected to the offence and is a important electronic evidence. If mobile is returned there will be possibility of tampering of evidence and disposal of electronic information and accused would use it again in the same type of offence. The mobile is essential for further investigation. The Ld. A.P.P. has filed say on the overleaf of the application and objected to release the said muddemal on the ground that say of original complainant is necessary, applicant is the accused and seized muddemal is part of important evidence and if returned then there is possibility of tampering and disposal of electronic evidence, hence, prayed to reject the application.

**03.** Ld. Advocate for the applicant has submitted that, the investigation is completed. The charge-sheet has been filed case bearing RCC No.28/2026. The evidence from the mobile has been recovered. Therefore, no purpose would be served by detaining the said mobile. The applicant is the owner of the said mobile and he is ready to abide all the terms and conditions imposed by the Court. He has further prayed for the release of the said mobile. Ld. APP has submitted that, the offence is relating to medical

offence. The seized mobile is material evidence, hence, the application may kindly be rejected.

**04.** I have perused the documents filed by the applicant, i.e. Copy of bill of mobile, Verified copy of Aadhar card, copy of F. I. R. From the above documents prima-facie it appears that applicant is owner of the seized mobile. However, the nature of the offence is serious. There is possibility that, electronic evidence contained in the mobile would be useful for the trial to the prosecution. Though, charge-sheet has been filed, after handing over the sized mobile to the applicant there is possibility of destroying any material evidence from the mobile if any. The said mobile if returned it may effect on the prosecution's case. Therefore, I am of the view that the applicant is not entitled the seized mobile on interim custody. Hence, I proceed to pass the following order.

**:: O R D E R ::**

The application is rejected.

(Dictated and pronounced in open court)

Date : 03/07/2026.

**(Dipak R. Borde)**  
Judicial Magistrate First Class  
Kale-Kheriwade