

**ORDER BELOW EXH.19**

This is an application filed by the applicant namely Tanaji Manik Wadikar for return of mobile.

**02)** The applicant has contended that, he is the owner of Golden colour Redmi MI 6 mobile, having its IMEI NO.866627048978685. This mobile is seized by Nilanga Police Station, in present offence i.e. in Cr. No.283/2021. He has no concern with alleged offence. The said mobile is now lying in the Police Station. Hence, he prayed to return the same being owner of it.

**03)** I have perused the record and say of Ld APP, complainant and accused. The Ld. APP objected the present application under grounds that, if said mobile is released then accused will change its nature & colour. On this ground Ld APP objected the present application. Complainant and accused have no objection to release the said mobile to the applicant.

**04)** On perusal of record, it reveals that the applicant has filed on attested true copy of invoice of mobile. It appears that, said mobile is lying in the police station. It appears that, after filing this application charge sheet has been filed in the present crime. This application is supported by the affidavit of applicant. There is no other claimant.

**05)** The purpose behind exercise of powers under sections 451 and 457 of Criminal Procedure Code is to see that, the property is not kept unattended, while lying in the Court premises or police station, so that it does not become junk day by day. In the instant case, the evidence is sufficient to hold that the applicant is owner of above seized mobile hence entitled for its possession. It also appears that, there is no other claimant. Therefore, no need to keep the said mobile in the custody of the Police. However, as per directions of the Hon'ble Apex

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Court in the case of *Sunderbhai Ambalal Desai VS State of Gujarat,* *reported in AIR 2003 SC 638,* certain conditions needs to be imposed upon the applicant/accused, while releasing the said mobile. Therefore, I pass the following order.

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

1. The application is allowed.
2. The applicant is directed to execute indemnity bond of Rs.10,000/- (Rs. Ten Thousand Only) before concern police station.
3. The Investigating Officer of Crime No.283/2021 of Nilanga Police Station is hereby directed to handover the interim custody of the Golden colour Redmi MI 6 mobile, having its IMEI No.866627048978685 to the applicant after executing indemnity bond of Rs.10,000/- (Rs. Ten Thousand Only).
4. The Investigating Officer is further directed to take photographs of the said mobile and also directed to prepare detailed panchanama at the time of returning the said mobile to the applicant.
5. The applicant shall not alienate or change the nature of mobile in any manner and he shall produce the same as and when directed by the Court.
6. The applicant to undertake that he shall not sale or transfer the said mobile.
7. Issue letter accordingly to concern police station.

Date:-15/03/2022.

(D.R. Kulkarni )  
Judicial Magistrate First Class  
(Court No.3), Nilanga.

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