

Notice No. 838/N/2026

**IN THE COURT OF ADDL.CHIEF JUDICIAL MAGISTRATE,
22nd COURT, ANDHERI, MUMBAI.**

Notice No.838/N/2026

Cr. No. :- 0431/2026

MIDC Police Station

Atul Harilal Gala

... Applicant

V/s.

Sr. Inspector of Police,
(MIDC Police Station).

...Respondent.

ORDER BELOW APPLICATION FOR RETURN OF PROPERTY

1. This application is filed for return of property i.e. three I phones 17 Pro 256, seized in Crime No. 0431/2026 of MIDC Police Station. Perused the application, which is supported by the affidavit of the applicant and the say of Investigation Officer. Heard learned advocate for the applicant & APP.

2. Learned APP for the state has raised objection contending that if the property is released, the applicant may change the original nature of the property and may not produce it before this Court, whenever it may be required. Hence, prayed for rejection of the application. Investigating Officer has no objection to release the property on conditions. Similarly, the employer Anil Cheda/the owner has also given no objection for handing over the custody of I phones to the applicant.

3. In support of his application, the applicant filed the following documents.

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- a) Photocopy of his Aadhar card
- b) Photocopy of FIR.
- c) Photocopy of Bill/invoice of the phone

4. From the documents filed on record, the employer Anil Cheda appears to be the owner of the seized property i.e. three I phones. The applicant is his employee and he has lodged the FIR in the capacity of custodian as well as the representative of the employer. He is seeking custody of the muddemal on behalf of the employer to which the employer has given consent thereto.

5. The grounds on which the application is opposed by the learned A.P.P. are not just. The trial will not be concluded in near future. No purpose will be served in keeping the property lying in the office of I.O. The possibility of damage to the property cannot be ruled out if the property is kept lying.

6. As the applicant has shown his authority to have custody over the seized property, he is entitled for the same. In result following order is passed.

ORDER

- 1) Application is allowed.
- 2) The property i.e. three I phones 17 Pro 256 be handed over to the applicant till conclusion of trial on the applicant executing indemnity bond of Rs.4,04,700/- (in words Rupees Four Lakh Four Thousand Seven Hundred only).
- 3) The applicant shall undertake that, he shall not sell or transfer the I Phones i.e. seized property without the prior permission of the Court. The applicant to maintain and preserve the property in all

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respect. The applicant shall produce the property in the Court as and when they required.

4) The Investigation Officer shall take the photographs and draw the panchanama of the seized property before handing over the same to the applicant.

Sd/-

(U. L. Pathak)

Addl. Chief Judicial Magistrate,
22nd Court, Andheri, Mumbai.

Date :- 16.06.2026