

MHNG130015532025



Cri.M.A.No. 172/2025
Rahul Vs. State

ORDER BELOW EXH.01
(Passed on dated 06/04/2026)

This is an application filed by Rahul Bansilal Rautel for interim custody of Mobile phone i.e. Motorola 8/128 under Section 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023. Mobile in question came to be seized in crime No. 676/2024 (under Section 356(2), 351(2) of BNS) by Police Station Ramtek.

2] The applicant submitted that he is the registered owner of the mobile phone of Motorola 8/128 bearing IMEI-1 No. 359632926316719, IMEI-2 No.359632926316727. The said mobile was purchased by the applicant from the shop of New Siddhi Traders, at Mansar, Tah. Ramtek, Dist. Nagpur for an amount of Rs. 24,500/- vide Bill no. 420 on dated 06/01/2024. The said mobile handset seized in the above said crime by Police Station Ramtek. The applicant is ready to execute Supratnama bond to the satisfaction of the Hon'ble Court and is also ready to follow each and every condition. Hence, prayed for release the mobile on Suprutnama.

3] The A.P.P. by filing say strongly opposed on the ground that, Motorola mobile bearing IMEI-1 No. 359632926316719/27 is seized in Crime No. 676/2024 for offences punishable under Section 356(2),

351(2) of BNS r/w 66(e) of IT Act. It is further contended that, seized mobile is forwarded for CA to CA office Nagpur. Chemical Analysis is yet to be done. Seized mobile having evidential value. Considering the above mentioned facts, Hon'ble Court may reject the application. Hence, prayed for reject the application.

4] Investigation Officer also by filing say at Exh. 4 strongly opposed to release the said mobile on Supratnama on the ground that, the said mobile is sent for investigation at the office of the Deputy Director Forensic Science Laboratory, Nagpur for forensic examination. If the seized mobile is released on Supratnama then accused may dispose of it or may delete data or it will use for committing offence of the same nature. Considering the above mentioned facts, Hon'ble Court may reject the application. Hence, prayed for reject the application.

5] Undisputedly, the said mobile phone is seized by Ramtek Police station and is in their custody. The said mobile phone is seized for offence punishable under section 356(2), 351(2) of Bhartiya Nyay Sanhita. Apparently the mobile phone was actively used in the execution or facilitation of alleged offence and therefore constitutes material evidence rather than a mere seized property. In view of the say filed by Investigation Officer it can be seen that the device is sent for digital forensic analysis, data extraction or expert examination. Release of the device at this stage is likely to prejudice the investigation or trial. Mobile phones are prone to alter-ability. Thus, the possibility of erasure, modification or manipulation of electronic evidence can not be

ruled out. Hence in view of the above discussion, following order is passed :

ORDER

Application is rejected.

Ramtek.
Date : 06/04/2026.

(A. A. Shirvalkar)
Judicial Magistrate First Class,
Ramtek.