



SESSIONS CASE NO.63/2025

(CNR No. : MHPU010015642025)

State of Maharashtra Through Hinjewadi P.S. Vs
Akhtar Anis Khan & Ors.

ORDER BELOW EXH. 92

This application is filed by the applicant/accused No. 8 **Akhilesh Shriram Choudhary** under Section 451 of Cr.P.C. for grant of interim custody of muddemal article i.e. Model- Oppo Reno-2Z, colour-Luminous Black, memory-256 GB, IMEI No.866114045787016/866114048787008 seized by the police during course of investigation of Crime No.1095/2024, registered under Section 310 (2), 316(2), 61(2) and 3(5) of the Bhartiya Nyaya Sahita, 2023 at Police Station, Hinjewadi, Pune.

2. It is stated in the application that, the applicant is a rightful owner of the aforementioned property. The applicant/accused No. 8 needs his mobile phone for daily communication and he is not having another mobile phone. He is ready to abide by the conditions put by the Court. Thus, he prayed to grant interim custody of said muddemal article.

3. The learned APP opposed the application on the grounds that the offence is committed sharing common intention and the communication being made mobile phone.. The mobile phone may be required for the purpose of identification during the trial and prayed to reject the application.

4. Heard learned advocate for the applicant and learned APP for the State. Perused the documents.

5. The applicant/accused No. 8 to prove his ownership has filed the photocopy of tax invoice dated 04/12/2019 of the said mobile phone and also Aadhar card of applicant/accused No.8. No doubt the said muddemal article being the electronic device, due to dust it may lose its value and utility. As the said article is lying with the police station since long, definitely it is losing its value. Therefore, interim custody of said muddemal mobile phone can be given to the applicant/accused No. 8 by imposing certain terms and conditions. Hence, I pass the following order :

ORDER

1. The application (Exh.92) is allowed.
2. The interim custody of muddemal article i.e. Model- Oppo Reno-2Z, colour-Luminous Black, memory-256 GB, IMEI No.866114045787016/866114048787008, seized by the police during course of investigation of Crime No.1095/2024, registered under Section 310 (2), 316(2), 61(2) and 3(5) of the Bhartiya Nyaya Sahita, 2023 at Police Station, Hinjewadi, Pune are granted to the applicant/accused No. 8 Akhilesh Shriram Choudhary on executing Indemnity Bond (*Supurtnama*) of Rs.25,000/- (Rs. Twenty Five Thousand only) on the following conditions :

- [i] The applicant should not change nature of the above said muddemal article i.e. Model- Oppo Reno-2Z, colour-Luminous Black, memory-256 GB, IMEI No. 866114045787016/ 866114048787008, till conclusion of the trial.

- [ii] The applicant should not sell the said mobile till conclusion of the trial.
 - [iii] The applicant should not delete the electronic data in the mobile phone.
 - [iv] The applicant should produce the said muddemal article i.e. Model- Oppo Reno-2Z, colour-Luminous Black, memory-256 GB, IMEI No.866114045787016/866114048787008, before investigation officer or concerned Court as and when called.
 - [v] The applicant shall give undertaking that said muddemal article i.e. Model- Oppo Reno-2Z, colour-Luminous Black, memory-256 GB, IMEI No.866114045787016/866114048787008, should not be used in any crime.
3. Investigation officer to obtain photographs and video shooting of said muddemal article under the panchanama before handing over the same. Also preserve the electronic data of the said mobile phone.
4. Intimate to the concerned police station accordingly.

Pune.
Date : 05/08/2026.

[S. B.Bhansali]
Additional Sessions Judge, Pune