

**S.C.C. No.336/2023**

CNR No.MHPU09-000634-2023

**State of Maharashtra**

**Vs**

**Ganesh @ Shri Hanumant Parkhe  
etc.**

**ORDER BELOW EXH. 1**

(Delivered on 04<sup>th</sup> October, 2025)

This is an application filed by the applicant **Amit Ajit Agarwal** under Section 457 of Code of Criminal Procedure for return of seized material

**02.** The applicant has contended that, he is the owner of the seized 39 iron angles /Galder of different sizes Valued upto Rs.2,10,000/- seized by MIDC Bhosari Police Station in C.R.No. 5/2023 offence under 124 of Mumbai Police Act.

**03.** Learned APP filed her say on the application and contended that description the of claimed property, bills of the property and seized property does not match with each other. Hence, prayed to allow the application after verifying it. I.O. prayed to pass appropriate order.

**04.** I have given anxious consideration to the submissions of both sides. I have also minutely gone through the documents enclosed with application. First of all, as far as documents of title in respect of seized material is concerned, the applicant has filed verified copy of bill of materials, copy of Aadhar Card, copy of FIR alongwith list at **Exh.03**. It is seen that the seized material is belonging to the applicant. Thus, as far as ownership is concerned, in my opinion, there is prima-facie

evidence that applicant is the owner of the seized material.

**05.** Thus, in view of aforesaid discussion, coupled with fact that if the seized material is kept idle in the police station, the possibility of damaging, diminishing the value and utility of seized property can not be rule out. No any another person other than applicant to claim seized property. In such circumstances in view of above discussion and ratio laid down by **Apex Court in the case of Sundarbhai Ambalal Desai Vs. State of Gujarat [(2002) 10 SCC 283]** it would be just and proper to allow the application and handover the custody of seized property to the applicant on imposing the terms and conditions. Hence, I do not find any obstacle to allow the application. Hence, I pass the following order :-

**ORDER.**

(A) Application is allowed.

(B) The seized 39 iron angles /Galder of different sizes Valued upto Rs.2,10,000/- seized by MIDC Bhosari Police Station in C.R.No. 5/2023 offence under 124 of Mumbai Police Act be handed over to the applicant namely Amit Ajit Agarwal on executing indemnity bond of Rs.2,00,000/- (Rupees Two Lakhs only) with following conditions that :-

- i. He shall not sell or transfer the seized property without the prior permission of the Court.
- ii. He shall not hire or give the seized property to any person in the future.
- iii. The applicant shall produce the said seized property in the Court as and when directed.
- iv. He shall not change the nature of the property.

- v. The applicant shall produce notarized documents such as Adhar Card, bills of the property, at **Exh.03** etc. to the investigation officer. The I.O. shall not release the seized property, unless said documents are filed before him.
  - vi. The applicant shall not dispose off, sell, mortgage, hypothetical or create any third party interest on the said property or change the nature of it including colour of the said property in any manner without prior permission of the court.
- (C) I.O. is directed to conduct the detailed panchanama of seized property alongwith coloured photographs at the cost of applicant and get it counter signed by the applicant and submit it on record of the case. Investigation officer is directed to file copy of the panchanama and this order alongwith chargesheet.
- (D) Indemnity Bond before Investigating Officer.
- (E) Issue letter accordingly to the Investigating Officer/Police Station Officer.

Pimpri, Pune.  
Date : 04.10.2025

( S. S. Chavan )  
Judicial Magistrate First Class  
Pimpri, Pune