

MHPU190011272026



R. C. C. No. 21/2026

GRP Daund vs. Sagar Khatri.

ORDER BELOW EXH. 17(Date: 20th April, 2026)

This is an application filed by original informant Sanjay Babarao Kotamkar, under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking interim custody of seized Vivo-Y19 5G Companies Mobile Phone its IMEI No.866762076567336 seized in Crime No.47/2026 by the Non-applicant G. R. P. Daund in connection with offence punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023.

02. It is the contention of applicant that, he has filed FIR in G.R.P. Daund police station which is registered for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023. The non-applicant i.e. G.R.P. Daund seized supra mobile phone. If, the said seized mobile phone is not given to the applicant, he will suffer hardship. It is also contended by the informant that at present said electronic device is lying in police station without any security and proper care and caution has not been taken, the parts of the same may be damaged and it will cause irreparable loss to the applicant. It is also contended by the applicant that he is ready to abide by the conditions with may be imposed by this court while allowing the present application.

03. Ld. APP has objected to release the mobile phone to the

applicant as the seized mobile phone is important piece of evidence and applicant will use it. If supra mobile is released it will be prejudice the trial. Thereby, prayed for reject the application. The accused has filed say and thereby not objected to release supra property in favour of informant.

04. Perused record. From perusal of the record, it transpires that applicant-informant has filed FIR against the accused regarding the offence of mobile phone. During the investigation, investigating officer has recovered mobile phone. Moreover, the applicant has filed affidavit in support of present application. On perusal of xerox copy of invoice of mobile phone it shows that, applicant is owner of supra mobile phone.

05. Furthermore, the accused have not objected to release the supra mobile phone to the applicant. Secondly, except the applicant no one has claimed the custody of the seized mobile phone. In support of his claim, applicant has filed on record copy of Adhar Card and invoice bill of seized mobile. Since, the applicant has prima-facie established that he is entitled interim custody of the mobile phone. Furthermore, keeping the seized mobile phone is in the custody of police station would not serve any purpose. From the documents and contentions made by the applicant on record, it appears that the applicant has established that he is entitled for the interim custody of the mobile phone. Applicant is ready to abide the condition which may be imposed while allowing the present application. Hence, I have not find to grant hesitation interim custody in favour of applicant on

certain conditions. Hence, the following order:

ORDER

1. Application is allowed.
2. Vivo-Y19 5G Companies Mobile Phone its IMEI No.866762076567336 seized in Crime No.47/2026, as described in Para No. 01 of application, be given in the interim custody of applicant on following terms and conditions.
 - a. Applicant shall execute undertaking to produce the mobile as and when directed by the Court and IO, failing which, liability to pay penalty of Rs.200/- (Rupees Two Hundred only) per occasion on failure to produce the mobile.
 - b. Applicant shall undertake not to use the mobile for any illegal purpose.
 - c. Applicant shall not dispose off, alienate, incumber, create third party right, modify, change it completely beyond recognition or part with possession of the mobile pending the trial.
 - d. Applicant shall furnish the colour photographs of the said mobile along with bond and to submit it to the Court along with charge-sheet and said photographs should be attested or countersigned by informant, accused, applicant and investigating officer.
 - e. Before handing over the possession of aforesaid mobile, detailed proper panchnama of it be prepared.

- f. Applicant shall execute bond of Rs.15,000/- (Rupees Fifteen Thousand only) that, if he fails to obey aforesaid conditions, he will liable to pay penalty of Rs.15,000/- (Rupees Fifteen Thousand only).
3. Inform concern Police Station, accordingly.

Place : Daund.
Date : 20.04.2026.

(Sunil S. Dahatonde)
Judicial Magistrate First Class,
Railway Court, Daund, Dist. Pune.