

CNR NO. MHPU- 2300-0788-2026	State
	Vs.
	Mosin Shaukatali Shaikh and Ors.

ORDER BELOW EXH. 4

This is an application filed Under Section 503 of B.N.S.S. for seeking interim custody of **Gold and Silver ornaments i.e 1) Yellow Ganthan having weight 28.100 gram, 2) Yellow Ganthan having weight 31.400 Gram, 3) Yellow Nose Ring having weight 0.890 Gram, 4) Gold earrings having weight 7.760 Gram, 5) Silver Anklets having weight 114.170 Gram, 6) Silver Bangle having weight 115.210 Gram and 6) Forty-five notes of ₹500, worth ₹22,500/-** in the present application (hereinafter referred as 'seized muddemal'). The said muddemal is in custody of **Chakan Police Station in Cr. No. 1090/2025. Seized in under section 305(A), 331(3), 3(5) of B.N.S.**

2. Applicant has stated that, he himself is the original owner of the gold ornaments i.e. seized muddemal. However, he has filed the present application and also the First Information Report in the alleged offence. The seized muddemal requires for his wife daily personal use. He is ready to abide the conditions imposed while granting the application. The said muddemal is lying at police station idle. Applicant in support of her contentions filed verified copies of UID Card and verified copy of purchasing bills i.e. tax invoices of **Jewellery shop** also he has filed his affidavit on record in respect of his ownership over seized muddemal.

3. Ld. APP has filed her say and opposed strongly on the

application.

4. Said muddemal is lying at police station idle. Applicant in support of his contentions filed affidavit and purchase receipts of gold and silver ornaments and affidavit. Therefore, it is not just to keep said muddemal at police station, as the applicant is ready to abide with terms and conditions. The important point is that, in view of ruling of Hon'ble Supreme Court reported in *AIR 2003 SC 638 in Sundarbhai Ambala Desai V/s. State of Gujarat*, the release of seized muddemal is desirable and proper. Considering the contentions of applicant and say of Ld. APP it appears that, there is no reason just to reject interim custody of seized muddemal in favour of the applicant. For these reasons, applicant is entitled for the interim possession of seized muddemal subject to terms and conditions. Hence, I pass following order.

ORDER

1. Application below **Exh.4** is allowed.
2. In-charge police officer of **Chakan Police Station** is directed to release the seized muddemal as mentioned in the F.I.R. and say of I.O. i.e. **Gold and Silver ornaments i.e**
1) Yellow Ganthan having weight 28.100 gram, 2) Yellow Ganthan having weight 31.400 Gram, 3) Yellow Nose Ring having weight 0.890 Gram, 4) Gold earrings having weight 7.760 Gram, 5) Silver Anklets having weight 114.170 Gram, 6) Silver Bangle having weight 115.210 Gram and 6) Forty-five notes of ₹500, worth ₹22,500/- in the present application (hereinafter referred as

'muddemal'), for interim custody, in favour of **applicant Kailash Munna Pandole** had given authority if not required in any other crime, on furnishing Indemnity bond (on the non-Judicial stamp of Rs.500/- as per Article 35 of Maharashtra Stamp Act) for **Rs.1,90,000/- (Rs. One Lakh Ninety Thousand only)** on the following conditions.

3. The concern I.O. is hereby directed to prepare panchnama in detail before releasing it in favour of the applicant and take its photographs of each articles of seized muddemal at the expense of applicant and countersigned by the applicant.
4. Applicant is directed to produce the above said muddemal in the Court, as and when required.
5. Applicant shall not sale, transfer or alter or change the nature of seized muddemal till final decision in the case.
6. Order be sent to concern Police Station.
7. Accordingly, issue letter to the In-charge Police Officer of concern Police Station.
8. Investigation Officer is directed to file the Supurtnama in RCC No.113/2026.

Date:-02/07/2026

(Smt. J. C. Gupta)
Judicial Magistrate First Class
Khed- Rajgurunagar.