

ORDER PASSED BELOW EXH. 01 IN CRI. M.A. NO. 475/2026
[Ishvar .Vs. State]

01. This application is filed by the applicant namely Ishvar Arjun Kuttarwade; for interim custody of iron rods and TMT Bar which is seized by the police station Lonavala Rural in pursuance with Crime No. 170/2026 registered with the said police station for offence punishable under Section 124 of the Bombay Police Act.

02. Say was called from APP and Investigating Officer. Both strongly opposed this application and contending their in that, the said muddemal is the part and parcel of the evidence. If the said muddemal is return to the applicant he may be changed or sell, transfer and modification. Therefore, they prayed for rejection of the application.

03. Heard the advocate for applicant and learned APP.

04. Upon perusal of copy of tax invoices, adhar card of applicant and power of attorney it prima-facie reveals that, the applicant is the owner of seized muddemal. The contents of F.I.R. discloses that, during course of investigation the muddemal were seized by the investigation officer. As to the apprehension of the investigation officer is concerned that can be cured by putting stringent conditions as to production, if required.

05. Therefore, at this stage it can be said that, the applicant is the proper custodian of the seized muddemal. Moreover, if the said muddemal remained unused till conclusion of the trial it will not only create become junk. Further, possibility of the damage to

the internal parts of the seized muddemal can not be ruled out. There is no any other claimant to the said seized muddemal. The applicant requires the seized muddemal for his day to day use which is just and proper. In this background, my view is guided by the Hon'ble Supreme Court in the case of Sunderbhai Ambalal Desai and C.M. Mudaliar Versus State of Gujrat, AIR 2003 SC 638 wherein it is observed that,

whatever be the situation, it is of no use to keep such seized mobiles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said mobiles, if required at any point of time. This can be done pending hearing of applications for return of such mobiles.

06. Thus, considering aforesaid facts and circumstances observed supra the applicant is entitled interim custody of the muddemal. In the result, I proceed to pass the following order.

:: ORDER ::

01. The application stands allowed.
02. The officer-in-charge of police station Lonavala Rural is hereby directed to handover interim custody of rods and TMT Bar which were seized by the police station Lonavala Rural in pursuance with Crime No. 170/2026 to the applicant Ishvar Arjun Kuttarwade upon executing his an indemnity bond in the sum of Rs.10,00,000/- (Rs. Ten Lakh only) and undertaking therein the following conditions to which this order is subject-
 - (a) The applicant shall produce the said muddemal as and when directed by this court or investigation

officer as per its requirement.

- (b) The applicant is directed not to change the colour and nature of the seized muddemal and also directed not to sale, gift, mortgage of the said vehicle in any manner.
- (c) The applicant shall not transfer or dispose of said vehicle to any one in any manner till the disposal of the case without seeking prior permission of this Court.
- (d) The Investigation Officer is directed to take the photographs of the muddemal and prepare its detail panchnama and produce it along with the final report.

Date: 08/07/2026.

(Abhay M. Vibhute),
Judicial Magistrate, First Class,
Vadgaon Maval, Pune.

CERTIFICATE

I affirms that, the contents of the P. D. F file Order are same word for as per original Order/Judgment

UPLOAD DATE

TIME

NAME OF THE
STENOGRAPHER

09/07/2026

Mayur R. Sonwane

Name of the Court

Shri. Abhay M. Vibhute
Judicial Magistrate (F.C.),
Vadgaon Maval, PuneDate OF Pronouncement of
judgment/Order

08/07/2026

Judgment/Order Typed on

08/07/2026

Judgment/Order signed by P.O.
on

08/07/2026

Due to Electricity failure case
disposed of on

09/07/2026

Judgment uploaded on

09/07/2026

Sd/-xxx
(Mayur R. Sonwane),
Stenographer,
Grade-iii.