

MHRG010009822025



Special Case No. 42/2025

State

Vs.

Alwan Nisar Dafedar and ors

ORDER BELOW EXH.110

1. Applicant/accused No.6 has filed the instant application u/s.503 of BNS for getting the interim custody of the seized muddemal property viz Mobile of Vivo company V23 pro, sunshine gold colour and sim-card of Airtel company No. 7028215100 which is seized by Murud Police Station in CR.No. 35/2025.

2. Ld. Advocate Gondkar submitted that the seized mobile was in use of Applicant/accused No.6 and his important contacts are saved in his mobile and banking Apps. like Google Pay, Phonepe and Pay TM are uploaded on said mobile and in view of seizure of mobile, great inconvenience is caused to Applicant/accused No.6. Further accused No.6 is ready to abide by the conditions that may be imposed by the court.

3. Learned APP filed say at Exh.116 and submitted that, if the said mobile phone is returned to the Applicant/accused No.6, he may sell it and tamper with it and Applicant/accused No.6 may not produce the same during the

Trial. Therefore the said mobile may not be ordered to be returned to the Applicant/accused No.6.

4. Perusal of the document annexed with the charge-sheet. Shows no documents showing ownership of the mobile are filed with the charge-sheet nor the Applicant/accused No.6 has filed the documents of ownership of the said mobile. However since charge-sheet reflects that abovesaid mobile is seized from custody of Applicant/accused No.6, in view of submissions of Ld. Advocate Gondkar, I am inclined to allow return of mobile and sim-card in it to Applicant/accused No.6. Prosecution is not going to be benefited by keeping the mobile and sim-card in its custody. Applicant/accused No.6 is ready to abide by the conditions that may be imposed, hence, it would be desirable to return claimed mobile with sim-card on certain conditions to Applicant/accused No.6 to meet the ends of justice. Hence order.

ORDER

1. Application is allowed.
2. Seized muddemal property viz Mobile of Vivo company V23 pro, sunshine gold colour and sim-card of Airtel company No. 7028215100 which is seized by Murud Police Station in CR.No. 35/2025 be returned to Applicant/accused No.6 Sahil Dildar Nadkar on his executing indemnity bond of Rs.15,000/- on the following conditions.
 - i. Applicant shall not sell, mortgage or dispose of the said mobile in any manner,

- ii. Applicant shall not change the nature of the said mobile.
 - iii. Applicant shall produce the said mobile as and when so ordered by the court.
3. Investigation Officer is directed to return the said mobile with sim-card to the Applicant/accused No.6 by taking photographs of the same and after preparing detailed panchanama of the said mobile with sim-card and after getting the compliance of indemnity bond from the Applicant/accused No.6 with the conditions imposed on him in clause No.2 of this order and submit the same before this Court.
4. Application is accordingly disposed off.

sd/-

Alibag.
Dated: 31/01/2026.

(R.D.Sawant)
Sessions Judge., Raigad-Alibag.