

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO.I, AT ARIYALUR**

**Present: Tmt.R.Sangeetha Sekar, B.A., B.L.,  
Judicial Magistrate No.I, Ariyalur.**

**Wednesday, the 13<sup>th</sup> day of May 2026**

**Crl.M.P.No.709/2026 in Crime No.120/2026**

**(On the file of the Ariyalur P.S.)**

**CNR No. TNAL040015512026**

Mohamed Fazil, 25/26,  
S/o.Alavudeen

- Petitioner/Accused.

Vs.

State represented by:  
Inspector of Police,  
Ariyalur Police Station,  
Cr.No.120/2026.

- Respondent/Complainant.

This application is coming before me in the presence of Counsel for the Petitioner Thiru.C.Rajasekar,M.Sc.,B.L., and learned Assistant Public Prosecutor - Grade-II appearing for State and upon perusing the material records and hearing for both sides and having stood over for consideration till date, this court delivers the following,

**Order**

1. Heard both sides and perused the materials placed on the record.

2. The Petitioner has filed this application U/s.497 BNSS seeking interim custody of Mobile Phone, namely ONE PLUS 10R, 5G Cell Phone. A case was registered in Cr.No.120/2026, U/sec.275, 123 of BNS Act r/w 59 of the Food Safety and Standards Act, 2006, 6(a), 24(1) of COPTA Act 200 against the Petitioner in the Ariyalur Police Station. The Respondent Police seized the property and produced before the Hon'ble Court in R.P.No.46/2026. He said that the mobile phone is for his own use. If the properties are kept under any custody, they will get corrupted and mobile number will be blocked. Hence, it is necessary to deliver the properties to his on interim custody. The Petitioner is praying by this oath that he will surrender the

case properties whenever required by this Hon'ble court, if returned to him on interim custody on condition.

3. Since the prosecution has submitted that this property is involved in this case. If the property is handed over to the petitioner, he may not produce the property for investigation and trial and also he may convert the property. It will affect the trial and investigation of the case. Hence, the prosecution strongly opposed to return the properties to the petitioner. Hence, the prosecution has requested this Hon'ble Court to dismiss this petition.

4. Now, it has to be decided whether the Petitioner is entitled for the interim custody of said properties?

5. On perusal of records the Petitioner filed this Petition U/s. 497 of BNSS. The above said property was produced before this court by the respondent Police and received by this court as case property in R.P.No.46/2026. On perusal of Section 497 of BNSS, it clearly empowers the Court to pass appropriate orders with regard to property for the proper custody till pending conclusion of inquiry or trial.

6. On hearing rival submission and after careful consideration and also after perusal of materials, this court is inclined to decide that the petitioner is entitled for interim custody of the mobile phone. Therefore in view of foregoing discussions, this application stands allowed upon the following conditions:-

1. The Petitioner shall execute a bond for Rs.10,000/- with two sureties for like sum.
2. The Petitioner shall file three dimension (3D) photographs with CD of the mobile phone duly authenticated and certified by Petitioner and detailed Panchanama shall be prepared.
3. The Petitioner shall file an undertaking affidavit to the effect that he will neither sell or mortgage or pledge the properties, nor tamper with the physical appearance of said properties.

4. The Petitioner shall produce the said property in the same physical condition before this court, when he is required to do so.

Directly dictated to Steno-typist and typed by her, corrected and pronounced by me in open court on this 13<sup>th</sup> day of May 2026.

Judicial Magistrate No.I,  
Ariyalur.