

MHST010019352024 	<u>ORDER BELOW EXH. 41 IN SESSION CASE</u> <u>NO. 68/2024</u>
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State of Maharashtra

... Complainant

Versus

Omkar Hanmant Panhalkar & Ors.

... Accused.

(Mr. Namdev Baliba Pawar)

.. (Applicant)

1. The applicant filed present application U/s. 501 of Bhartiya Nagarik Suraksha Sanhita 2023 seeking custody of Mobile handset of 1 Plus company having model No. Nord 3 5G, (hereinafter referred as 'said mobile'). It is seized during the investigation of Crime bearing No. 294/2024 registered with Borgaon Police Station, for the offence punishable U/s. 302, 143, 144, 147, 148, 149, 201 of the Indian Penal Code.

2. The applicant is the owner of the said mobile. In support, the applicant filed the photostate copy of purchase receipt and Adhar Card of applicant. The applicant undertakes to maintain the said mobile in all form and he is ready to produce the same as and when required by the court. The applicant claimed that he is the owner of said mobile and it is used for his daily use. Hence, prayed for release order by imposing suitable conditions.

3. The prosecution filed say (Exh.73) and opposed the same and prayed for rejection of the application.

4. The applicant produced on record photostate copy of purchase receipt of the said mobile. The applicant is the owner of said mobile. The applicant gave undertaking in the application that he will not change the nature of said mobile in any form. At the same time, he gave undertaking to produce the same as and when required by the court. The said undertakings are accepted. The law on the point is very settled. The seized muddemal, if subjected to decay, then its custody, on certain terms and conditions, can be given to the claimant. In present case, the applicant has given undertaking as noted above. The law noted above is the settled preposition of law. Therefore, by putting certain conditions, the custody of the said mobile can be given to the applicant. Hence, following order;

ORDER

1. The application (Exh.41) is allowed.
2. The Mobile handset of 1 Plus company having model No. Nord 3 5G, be given into the custody of its registered owner i.e. to present applicant Namdev Baliba Pawar on Supurt Nama on executing by him the bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) on following terms and conditions;
 - (i) The Applicant shall produce the said mobile as and when required by the Court.
 - (ii) The Applicant shall not change its outer or inner look.
 - (iii) The Applicant shall not create any third party interest in respect of the said mobile until conclusion of the trial.

Satara
Date : 22.12.2025.

(Amit M. Shete)
Additional Sessions Judge, Satara.