

MHST060002462026



CRI. M.A. NO. 30/2026.

DINESH GAJANAN KASHID

Vs.

STATE OF MAHARASHTRA

ORDER PASSED BELOW EXH. 1

This is an application filed under Section 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for releasing the I PHONE mobile phone, *IMEI No.* 353418638602406 and 353418638762010 (hereinafter referred as “**the said mobile**” for the sake of brevity).

02. Perused the application, say filed by the learned A.P.P. and I.O. Heard the learned A.P.P. and the learned counsel for the applicant.

03. It is the contention of the applicant that the said mobile seized by Police Station, Dahiwadi in Crime No. 32/2026 for the alleged offence. The applicant is the owner of said mobile and he needs the said mobile for his daily routine work. The applicant is ready to abide by all the conditions that may be imposed by this Court in the event of release of the said mobile in favour of the applicant. Hence, he prayed for release of the said mobile on supratnama.

04. On the contrary, the learned A.P.P. and the Investigating Officer have opposed the instant application on the ground that if the said mobile is released then possibility that applicant may change its nature can not be ruled out and its reuse in the similar offences. Hence, they prayed for rejection of the instant application.

05. I have carefully gone through the record of the case and also gave thoughtful consideration to the submissions made by both the

parties. It appears that the applicant has placed on record verified copies of purchase bill receipt of aforesaid mobile phone, his Adhar card and photocopy of F.I.R. No. 32/2026. As such prima-facie it appears that the applicant is the owner of the said mobile.

06. It is pertinent to note that in view of aforesaid facts and circumstances of the case as also from the above documents produced on record, it will be just and appropriate to handover the ad-hoc custody of the said mobile in favour of the applicant by imposing certain conditions. Moreover, no fruitful purpose will be served by keeping the said mobile in the custody of police. On the other hand, if the said mobile is kept idle at police station then that will deteriorate its condition. Hence, in such peculiar facts of the case, I find no hurdle in releasing the said mobile in favour of the applicant by imposing certain conditions. Consequently, I proceed to pass the following order:-

:- ORDER :-

- 1) The application is hereby allowed.
- 2) Property namely of *I PHONE mobile phone, IMEI No. 353418638602406 and 353418638762010* be handed over to the interim custody of the applicant, till the conclusion of the trial subject to following conditions:-
 - a) Applicant shall execute indemnity bond of Rs. 15,000/- on bond paper of requisite value.
 - b) Applicant to undertake that he shall not dispose off, alienate, encumbrance, create third party rights or part with possession of the said mobile without prior permission of the Court.
 - c) Applicant shall not change the colour and body of the said mobile, till disposal of this case.
 - d) Applicant shall produce the said mobile before the Court, as and when required.

- 3) The I.O. of the present crime is hereby directed to draw detailed panchanama of the said mobile and capture two colour photographs of the said mobile before handing it to the applicant.

Date : 24.03.2026

(S.S. Gadve)
I/C., Judicial Magistrate F.C. (Court No. 2),
Dahiwadi.

:- Affirmation certificate :-

I affirm that the contents of this P.D.F. file order are same, word to word as per original order.

Name of the Stenographer :- A. N. Ombase, Steno Grade-3,
Name of the Court :- Civil Judge (J.D.) & J.M.F.C.,
Dahiwadi, Tal. Man, Dist.
Satara.
Date of judgment/order :- 24.03.2026
Judgment/order signed by the 24.03.2026
Presiding Officer on :-
Date of judgment/order uploaded on :- 24.03.2026

