

ORDER BELOW EXH.1. IN CRI.M.A.NO. 53/2026.
(CNR No.MHST-07001125-2026.)

Sagar Bahadur Bohara --- Applicant.

Vs.

State of Maharashtra through --- Opponent.
Umbraj Police Station.

The application is filed under Section 503 of *The Bhartiya Nyaya Sanhita, 2023* for delivery of interim custody of OPPO A17 having I.M.E.I. No. 860578064282019 (For Short “the mobile phone”) seized by P. S. Umbraj in C.R. No.02/2026. The application is filed on affidavit. Say of Ld. A.P.P. and Investigating Officer (For Short “I.O.”) is called thereon.

2) The Ld. Adv. V. S. Jadhav for the applicant has submitted that, the applicant is an owner of the mobile phone. The applicant needs the mobile phone for his day-to-day work. If the mobile phone is not released then possibility of its damage cannot be ruled out. Hence, he prayed to allow the application. Whereas, Ld. A.P.P. and I.O. have opposed the application and thereby submitted that, it would be required at the time of trial. If the mobile phone is handed over to the applicant then, he may sale or destroy it. Hence, he prayed to reject the application.

3) Perused the application, Say of Ld. A.P.P. and I.O. and documents. Heard learned A.P.P. and learned Advocate for accused. The applicant has filed on record, copy of F.I.R., copy of Mobile Phone Bill and copy of Addhar Card. Therefore, it shows that, the applicant is an owner of the mobile phone.

4) Mere possibilities and reasons, as stated by Ld. A.P.P. and I.O. are not reasonable grounds to reject the application. If the mobile phone is kept in the Police Station then, possibility of its damage or deterioration cannot be ruled out. If the mobile phone is required for evidence or for identification or for any other purposes during or after conclusion of trial

then, necessary conditions can be imposed to that effect. Therefore, considering the observations of the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai Vs. State of Gujrat [2002 (10) SCC 283]** and for above reasons, I conclude that, interim custody of the seized mobile phone is required to be delivered to the applicant on imposing certain conditions and upon taking proper Supurtnama. Hence, following order is passed.

ORDER

- i) The application is allowed.
- ii) Non-applicant is directed to hand over interim custody of the mobile phone i.e., **OPPO A17 having I.M.E.I. No. 860578064282019** seized by P. S. Umbraj in C.R. No.02/2026 to the applicant **Sagar Bahadur Bohara** till conclusion of trial of the relevant offence on following conditions :
 - a] He shall not sale or transfer or change nature of the aforesaid mobile phone without prior permission of the Court.
 - b] He shall produce the aforesaid mobile phone before the Court as and when directed.
 - c] He shall maintain and preserve the aforesaid mobile phone in all respects.
- iii) The applicant to execute an indemnity bond of Rs.12,500/-before the Court.
- iv) Non-applicant P. S.O. is directed to take colour photographs of the aforesaid mobile phone (From its all sides) attested by the applicant and draw detailed Panchanama before handing over the custody of muddemal property and submit the same in Court as early as possible. Applicant shall bear the costs of photographs.
- v) Copy of this Order, photographs and Supurtnama be kept in Charge-sheet, *if any*, to be filed by the concerned P. S.O. in respect of Crime No. 02/2026.
- vi) The mobile phone shall not be used for similar offence in future.

Place :- Karad.
Date :- 24/03/2026.

(Smt. A.V. Mohite)
3rd Judicial Magistrate First Class, Karad.
Tal. Karad, Dist. Satara.

