



**Order Below Exh. 1 in Cri. M. A. No. 143/2026
(Vijay Vasant Kavale Vs. The State Of Maharashtra-Karad City Police Station)**

1. This application is filed for handing over interim custody of mobile model MOTO EDGE 40 5G 8/256 NEBULA GREEN IMEI No. 357611736798813 seized in connection with Cr. No. 498/2026 registered with Karad City Police Station for the offences punishable under Section 305(A), 331(3), 331(4), 317(2) read with 3(5) of the Bharatiya Nyay Sanhita, 2023 .
2. In short, applicant's case is that, the applicant is owner of said muddemal which was seized in connection with Cr. No. 498/2026 registered with Karad City Police Station. The muddemal is in Police Station. If the muddemal is kept at Police Station then there is possibility that the spare parts of the muddemal may be damaged. The applicant is in need of said muddemal. He is ready to abide each and every condition if the muddemal is handed over in his interim custody. Hence, the applicant prayed to release the muddemal in present crime.
3. Learned APP and Investigation officer opposed the application by filing say. It is contended that, said mobile is used for commission of the crime and it contains data which is evidence in the case. If the muddemal is handed over in the interim custody of the applicant then he may tamper the data available in said mobile. Hence, APP and investigation officer prayed to reject the application.

4. Heard both sides. Learned counsel for the applicant submits that, the applicant is owner of the muddemal. The applicant is in need of the muddemal. The applicant is ready to abide any condition imposed. Therefore, learned counsel for the applicant prayed to allow the application. Per contra, learned APP for the State submits that if the muddemal is handed over to the applicant then there is possibility of tampering of the data. She therefore, prayed to reject the application.

5. Perused the record. Record shows that the applicant has filed on record documents in respect of said mobile. On perusal of the documents filed on record it appears that the applicant is owner of said mobile. However, say of the investigation officer shows that said mobile is used for commission of the crime. Offences alleged are serious in nature. Record shows that, said mobile contains call details and other data. If at this stage said mobile are handed over in the applicant in interim custody then there is possibility that said data available in said mobile may get tampered. Therefore, there is no force in the submissions advanced on behalf of the applicant. Therefore, at this stage the application deserves to be rejected. In the result, I pass the following order.

ORDER

The application is rejected.

Date: 23/07/2026.

(Prashant P. Kulkarni)
Judicial Magistrate First Class,
Court No. 3, Karad.