

ORDER BELOW EXH.1 IN Cri.M.A.No. 53/2026.

(Chanda Rajendra Kadam Vs. Maharashtra State)

The applicant has filed present application under section 503 of BNSS for releasing seized mobile i.e. Realme Company Vivo Company Y 20 (4+64GB) Dawn White in connection with Crime No. 138/2026 registered with Wathar Station Police Station.

2) Annexed documents i.e. verified copy of Aadhar Card of applicant at Exh.3/2 & Purchase copy of said mobile at Exh. 06/1 & verified copy of F. I. R. at Exh. 03/3 Perused say of I. O. and APP Investigating officer in his say expressed his no objection to hand over interim custody of muddemal on certain terms and conditions. APP filed his say overleaf of the application and strongly objected the application on ground that if interim custody be handed over to applicant he will change the nature of property. The offence alleged the accused are triable by Hon'ble Sessions court and prayed for reject the application. I have gone through the say filed by I. O. I. O. has not mentioned in his say about confiscation proceeding is going on or any report to that effect in such circumstances and considering the facts of case I have gone through the observations of Hon'ble Supreme court in the case of **Sundarbai Ambalal Desai -vs - State of Gujrat reported in AIR 2003 SC 638** :

It is provided that "Whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles."

3) Considering the nature of property, observations of Hon'ble Supreme Court, perusal of documents on record shows that all documents on record satisfactorily shows that the applicant is rightful claimant of muddemal and entitled to possession of above mentioned muddemal as Possibility of damage to muddemal not be ruled out if muddemal kept idle in police station. Keeping in view that the applicant is registered owner/rightful claimant of said muddemal, further this order only to grant interim custody of muddemal, releasing the muddemal

property subject to imposition of stringent conditions would be just and proper. Therefore, there is no hurdle to return the seized mobile to the applicant on following terms and conditions Hence, I proceed to pass following order :-

ORDER

- 1] The application is allowed.
- 2] Interim custody of Muddemal property, i.e. Realme Company Vivo Company Y 20 (4+64GB) Dawn White , be handed over in favour of applicant Chanda Rajendra Kadam on furnishing indemnity bond of Rs. 50,000/- (Rs. Fifty Thousand only).
- 3] Applicant and any other person claiming through him shall not alter or alienate muddemal property by way of sale, pledge, gift or any other mode of transfer or alienation till final disposal of case.
- 4] Investigating Officer shall conduct detailed panchanama and shall take colour photographs of muddemal before releasing muddemal property which is signed by applicant and counter signed by Investigating officer.
- 5] Investigating officer is further directed to attach all papers i.e. Panchnama photographs, writ of order along with charge-sheet.

Koregaon.
Dt. 02/07/2026.

(Smt. C. S. Patil)
Judicial Magistrate First Class, Koregaon