

**Special (MPID) Case no. 145 of 2024**

*(CNR No. MHST21-000533-2024)*

**ORDER BELOW EXH.80**

**(The State of Maharashtra Vs. Suraj Vasant Bodare )**

The third party person / applicant **Swapnil Hanumant Jagtap** prayed for return of the seized property i.e. mobile of Vivo Company having description as VIVO V25 PRO 8/128 under Sec. 451 of Cr.P.C which seized in C.R.No. 841 of 2022 registered with Phaltan Rural Police Station.

**02.** It is submitted that the said property is of his daily use in agricultural business and also for online education. He will not destroy the said property in any manner and will produce in the Court, as and when required. He is also ready to furnish indemnity bond as per order. Applicant submitted that he is registered owner of the mobile. The mobile is lying idle in the police station due to which it will be damaged. He is ready to execute necessary bond and to obey all the conditions. Hence, this application.

**03.** Ld. APP filed say Exh. 100 and resisted the application with the submission that the offence is serious and the said mobile is used in commission of offences. He further submitted that applicant is likely to use the said mobile again in another offence or he will dispose sell the same, if returned to him. Hence, he prayed to reject the application.

**04.** I have heard Ld. Advocate for the applicant and Ld. APP for State. Perused the original bill of mobile phone issued by New Sharwani Mobile Shoppe, Shirwal, Tal. Khandala, Dist. Satara. It shows that the

applicant has purchased said mobile vide Bill No. 484 dtd. 24.08.2022. He is owner of said mobile. There seems no necessity to keep the mobile lying idle in the Police Station. If it is left so, there is every possibility that the mobile would be damaged and would be out of working. As against this, the mobile is of daily use of the applicant for his agricultural business and online education. Hence, it is just and proper to give the custody of the above said mobile to the applicant. Hence, I pass the following order.

### **ORDER**

01. The application is allowed.

02. The seized muddemal property i.e. mobile of Vivo Company having description as VIVO V25 PRO 8/128 be returned to the applicant **Swapnil Hanumant Jagtap** with a condition that he shall not dispose off the said property or change its nature in any manner till conclusion of trial and shall produce the same before the Court as and when required on furnishing indemnity bond of Rs.20,000/-(Rupees Twenty Thousand only).

03. Before delivering custody of above mentioned muddemal, the Police Officer of the concerned Police Station shall prepare detail panchanama of the mobile under his signature with counter-signature of the applicant.

**PHALTAN.**  
Dt. 10<sup>th</sup> February, 2025.

( P. V. Chatur )  
Addl. Sessions Judge , Phaltan