



ORDER BELOW EXHIBIT NO. 1 IN
Cri.M.A. NO.28/2026
(Malati Vs. The State of Maharashtra)

1. By this application, the applicant seeks interim custody on Supurtnama of seized gold ornaments, namely, two Dorle, three heavy Mani and three thin Mani, claiming that the said ornaments belong to her and were stolen during a jatra.
2. On 03.01.2026, she had gone from village Ichori to Shri Sant Zholebaba Sansthan, Chikhli, Tq. Mangrulpir, Dist. Washim for yatra. At about 4:00 p.m., after taking Mahaprasad and while moving in the lane where utensils were being sold, one girl allegedly snatched and broke the necklace/ornaments from her neck. On raising alarm, it was found that her gold ornaments, namely two Dorle, three heavy Mani and three thin Mani, weighing about 1.440 grams, were stolen. On her report, Crime No. 07/2026 came to be registered at Police Station Mangrulpir for offences under the Bharatiya Nyaya Sanhita. During investigation, certain gold ornaments were seized from the accused. According to the applicant, the said ornaments are her property and were given to her as Stridhan at the time of her marriage by her father, purchased from Patil Jewellers, Saraf Line, Mangrulpir on 04.06.2013. She has filed the purchase receipt and has undertaken to abide by all conditions, not to alienate or alter the ornaments, and to produce the same before the Court whenever directed.
3. The learned Assistant Public Prosecutor opposed the application. It is contended that the seized property is an important piece of evidence. It is further submitted that if the property is handed over to the applicant, there is possibility of change in its form and possibility of sale, and therefore the application deserves rejection.
4. The Investigating Officer has also filed say at Exh. 5. In the said report, it is stated that in Crime No. 07/2026, the stolen property consisted of

two Dorle, two heavy Mani and two thin Mani of approximate value of Rs. 20,400/-, and that the same were seized during investigation. It is further contended that the muddemal is important evidence and, if released, there is possibility of alteration and sale thereof.

5. I have perused the application, say of the Assistant Public Prosecutor, say/report of the Investigating Officer at Exh. 5, copy of First Information Report produced at Exh. 03, and the receipt of Patil Jewellers regarding purchase of ornaments. I have also heard the learned counsel for the applicant and learned Assistant Public Prosecutor for the State.

6. It is not in dispute that the ornaments in question were seized during the course of investigation in connection with the present crime. It is also not in dispute that the applicant claims ownership over the said ornaments on the basis that they were stolen from her person. The FIR lodged promptly by the applicant supports her claim that ornaments were removed from her neck during the incident. The purchase receipt produced on record also gives prima facie support to her claim of ownership.

7. The objection of the prosecution is mainly that the muddemal is important evidence and there is possibility of alteration or sale if handed over. Such objection, by itself, cannot be accepted as an absolute ground to refuse interim custody, particularly when the property is of a personal nature like ornaments and when the claimant has produced prima facie material regarding ownership. The purpose of keeping muddemal in police custody is not to retain it indefinitely when proper safeguards can be imposed by the Court. If detailed description of the property is taken on record and necessary conditions are imposed, the interest of prosecution can be protected.

8. However, on perusal of the record, there is inconsistency in the description of ornaments claimed by the applicant and the ornaments actually stated to have been seized by the Investigating Officer. The applicant has claimed two Dorle, three heavy Mani and three thin Mani, whereas as per the

seizure details and report of the Investigating Officer, the seized property consists of two Dorle, two heavy Mani and two thin Mani only. Therefore, interim custody can be granted only in respect of such ornaments as are shown to have been actually seized in the present crime.

9. Thus, considering the available material, this Court is of the opinion that the applicant has made out a prima facie case for release of the seized ornaments, namely two Dorle, two heavy Mani and two thin Mani, on Supurtnama, subject to strict conditions so that the identity of the property is preserved and production thereof before the Court is secured as and when required. Hence, I proceed to pass following order.

ORDER

1. The application at Exh. 01 is partly allowed.
2. The seized muddemal property, namely (i) Two Dorle, (ii) Two heavy Mani, and (iii) Two thin Mani, seized in connection with Crime No. 07/2026 of Police Station Mangrulpir, be handed over to the applicant Malti Bhagwat Vyavahare on Supurtnama.
3. Before handing over the said property, the applicant shall execute Supurtnama and Indemnity Bond in the sum of Rs. 25,000/-.
4. The applicant shall not sell, transfer, pledge, mortgage, alter, melt, remake, or change the nature and identity of the said ornaments in any manner till final disposal of the case.
5. The applicant shall preserve the ornaments in the same condition and shall produce the same before the Court as and when directed.
6. The detailed description of the muddemal, including its identifying particulars, shall be recorded before delivery. If necessary, photographs of the muddemal be taken and kept on record.

7. Accordingly, the application stands disposed of.

Pronounced in open Court.

Mangrulpir
Date : 16/03/2026

(Khwaja C. Kalal)
J.M.F.C., Mangrulpir,
Tal.Mangrulpir, Dist. Washim.

CERTIFICATE

“ I affirm that the contents of this P.D.F file order are same word for word as per original order.”

Court Name	:	Shri. Khwaja C. Kalal, Jt. C.J.J.D. & J.M.F.C., Mangrulpir
Order uploaded by	:	Shri. S. S. Rathod (Jr. Clerk)
Date of Order	:	16/03/2026
Order signed by presiding officer on	:	16/03/2026
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