

MHYA210009472021



ORDER BELOW EXH. 58

The application is made for releasing the mobile Vivo Y911 bearing IMEI No. 869250046868098, seized in the instant case.

2. Perused the application, say of A.P.P., say of accused, documents and the record. Heard, the learned A.P.P., the applicant and advocate Ku. V. N. Mandavkar for the applicant.

3. The applicant submitted that he is the owner of the said mobile. He further submitted that as the mobile was seized by Police Station, Wani, he is facing problem in his routine work. Mobile in question, is lying in the open space of Police Station, Wani. The applicant is ready to abide any condition which would be imposed upon him while releasing mobile on his supurtnama. In support of the application, the applicant has filed on record, xerox copy of Aadhar card and tax invoice of mobile.

4. The learned A.P.P. filed say and submitted that the seized mobile is important piece of evidence and prayed for rejection. Accused No.1 and 2 filed their say below Exh.66 and 67 respectively and rise no objection to released the mobile to applicant.

5. In present case, it is not disputed that no one, except the applicant, asked for the custody of mobile. Tax invoice filed by the

applicant, specifically shows that the applicant is the owner of mobile in question. The mobile is seized from the accused. The accused rise no objection to release the mobile on supurtnama to applicant. Charge-sheet is already filed in the instant crime. Hence, mobile in question is not required for investigation purposes. Under such circumstances, the applicant is appeared to be prima-facie entitled for custody of the seized mobile. Hence, I deem it suitable to handover the custody of seized mobile to the applicant. Hence, the following order.

ORDER

1. The application is allowed.
2. Police Station Officer, Wani Police Station is directed to hand over the interim custody of mobile Vivo Y911 bearing IMEI No. 869250046868098 seized in instant case bearing Crime No. 114/2021 by Police Station, Wani, Tq. Wani, District Yavatmal to the applicant by name Bandu Gali Vidhate after executing indemnity bond of Rs.8,000/- (Rupees Eight Thousand only)
3. The applicant is directed to produce the original document of said mobile at the time of executing indemnity bond before the Court.
4. The applicant is directed not to create third party interest either by way of sale, mortgage etc.
5. The applicant is directed to produce the mobile as and when directed by this Court.
6. Investigation Officer is directed to prepare detail panchanama before handing over the same to the applicant.
7. The application is disposed of.

Dt. 03/08/2021

(Sudhir M. Bomidwar)
Judicial Magistrate, First Class,
(Court No.2), Wani.