



**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.**

**Present: Tr.S.B.Sujith,B.A.,B.L.,(Hons)
District Munsif cum Judicial Magistrate, Rameswaram**

Dated this the 12th day of March 2026

CRMP No: 123/2026

CNR.No.TNRM05-000334-2026

S.Boobalan (24/2026)

S/o.Sekar,

16/45, Maravar Street,

Mandapam.

Ramanathapuram District.

...Petitioner/Accused

-Vs -

State through Sub Inspector of Police,

Mandapam Police Station,

Cr.No.31/2026

... Respondent/Complainant

ORDER

1. The petition has been filed U/s.497 and 503 of BNSS seeking interim custody of Apple I Phone 15 Plus Pink (IMEI No.351130782064224) in Cr.No.31/2026, U/s.281 BNS, 66 IT Act r/w 184 MV Act of Mandapam PS.

2. Learned counsel for petition submitted that the Apple I Phone 15 Plus Pink (IMEI No.351130782064224) belonging to the Petitioner/Accused was seized by the Respondent Police and included in the case. Without the said cell phone the daily life of the Petitioner/Accused would be affected. If the said cell phone is handed over to the petitioner/Accused, he will not sell it or change its appearance. He is ready to abide by any condition ordered by this court. Therefore, the Cell Phone Apple I Phone 15 Plus Pink is to be hand over the petitioner/accused in the interim custody.



3. In the objection filed by the respondent side, it is submitted that the accused has driven his two wheeler named Yamaha MT bearing registration number TN 65 AT 9875 in public roads in dangerous way by wheeling the front tyre, driving at dangerous speeds in public road. Further the accused has uploaded the videos of above stunts in two wheeler in social handle Instagram in his account name “akiraa_93”. The Apple I Phone 15 Plus Pink (IMEI No.351130782064224) was seized from the petitioner. If the mobile phone is handed over to the Petitioner/Accused he will commit a similar offence again. Hence, strongly objected that it should not be handed over to the petitioner.

4. Both sides heard and documents perused. it is found that the above said Cr.No.31/2026, U/s.281 BNS, 66 IT Act r/w 184 MV Act, Respondent police has seized from the Petitioner/Accused the Apple I Phone 15 Plus Pink (IMEI No.351130782064224) on 25.02.2026 and the property has been remanded before this court in PR.No.62/2026

This court finds that the prosecution has not submitted any petition for forensic analysis. Further, the petitioner also undertakes to produce the Apple I Phone 15 Plus Pink (IMEI No.351130782064224) for investigation and at the time of trial. Therefore, considering the nature of the case, the case property is kept in without using it at the court premises is not useful to any persons. In view of the dictum laid down by the Hon'ble Supreme Court *Sundarabai Ambalal Desai [2003 SCC(Crl)1440]* case the interim custody of the mobile phone is given to the petitioner on following conditions.

- i) The petitioner is directed to take Photograph of the property and submit to the court. Head clerk of this court is directed to prepare panchanama for the so as to marking the same at the time of trial, in the presence of the petitioner and the respondent.



- ii) The petitioner shall not alter or modify or sale the mobile phone till the disposal of the case and produce the property whenever this court order to produce before this court to that effect he shall execute own bond for Rs.50,000/- with two surety for Rs.20,000/- for the like sum to the satisfaction of this court
- iii) The petitioner shall produce affidavit stating that the petitioner shall not involve in similar natured bike stunts in public and shall not upload bike stunt videos in his Instagram ID of “akiraaa_93” again using the mobile phone.

Dictated by me to typist directly and typed by her corrected and pronounced by me on 12.03.2026.

District Munsif cum
Judicial Magistrate,
Rameswaram.