

IN THE COURT OF ADDITIONAL CHIEF METROPOLITAN MAGISTRATE
47th COURT, ESPLANADE, MUMBAI.

CASE NO.2846/MISC./2024

(CNR NO.MHMM11-005909-2024)

Ammeet Aggarwal

...Applicant.

V/s.

State of Maharashtra

...Respondent.

(Through Economic Offences Wing, Mumbai)

ORDER BELOW EXH- 1

Applicant has filed present application for return of property i.e his Samsung mobile Fold 5. He submitted that the investigating officer has taken this mobile from him during his custody. The applicant was released on bail by order dated 11.06.2024. The investigation has already completed, but charge-sheet is yet not filed. The applicant is entitled to the custody of said mobile phone as he is the lawful owner. Hence the present application.

The investigating officer filed reply. He stated that, the accused has been released on bail by the order of the Court. He further stated that, the mobile phone may be returned to the accused on such terms and conditions as may be imposed by the the Court.

Ld. APP filed reply and submitted that, the application is not tenable and accused is involved in white-collar crime. Hence the application be rejected.

Heard, Ld. Advocate for the accused and Ld. APP.

The record goes to show that CR No. 32/2024 was registered with EOW. The remand papers show that this accused was arrested on 08.05.2024 and was remanded to police custody and finally to Magisterial custody. He has submitted that, while he was in police custody, the investigating officer had seized his mobile phone i.e. Samsung mobile Fold 5 with EID No. 89043051202200836223005481866213. Record further shows that he

was released on bail by order dated 11.06.2024 by my Ld. Predecessor. Now the remand papers nowhere show the seizure of such mobile phone by the investigating officer. However if the reply of the investigating officer is taken into consideration, it is clear that such mobile phone is in the custody of investigating officer. He has no any objection to return the same to this applicant.

The only objection is that of Ld. APP, who stated that if the application is allowed, the applicant will misuse the same. So far the original FIR came to be registered with Sahar Police Station bearing No. 464/2024 on 08.05.2024. It was eventually transferred to EOW for investigation. As discussed earlier, the applicant was arrested on 08.05.2024 and was finally released on bail by order dated 11.06.2024. Till today EOW has not filed any final report or charge-sheet in relation to this offence. So the requirement to keep this mobile phone in the custody of police is not so shown by the Ld. APP. Furthermore the investigating officer himself has no any objection to return the mobile phone. Hence the order follows.

ORDER

1. The custody of seized muddemal i.e. SAMSUNG mobile phone Fold 5 named as SM-F946BZEGINS, Model No.SM-F946B/DS, Month and Year of manufacture as January 2024, EID No.89043051202200836223005481866213, seized by investigating officer, in connection with C.R No.32/2024 with EOW and CR. No. 464/2024 with Sahar Police Station for the offence punishable under Sections 409, 420, 465, 467, 468, and 471 read with Section 34 of the Indian Penal Code, be given to the applicant on following conditions :-
 - i) The applicant shall execute indemnity bond of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only).

- ii) That he shall produce the mobile phone as and when required by the police or the Court.
- iii) That he shall not change, sale or transfer in any manner the mobile phone or alienate the same in any way without the permission of this Court.
- iv) That the I.O. shall take the photographs of Mobile Handset showing its clear IMEI number and prepare the panchanama at the time of releasing its custody to the applicant.
- v) That the said photographs shall be countersigned by the applicant and shall be produced along with charge-sheet or final report.
- vi) The investigating officer shall create a replica of the data of this mobile phone and shall preserve it for the purpose of investigation.
- vii) Inform the I.O. accordingly.

Date: 19.09.2025

(A. R. Solapure)
Additional Chief Judicial Magistrate,
47th Court, Esplanade, Mumbai.