

ACKNOWLEDGMENT NO. 31101260012352

ORDER BELOW APPLICATION OF APPLICANT MAHESH BHOLABHAI MAKWANA U/S. 503 OF B.N.S.S IN COMPLAINT FILED VIDE ACKNOWLEDGEMENT NO. 31101260012352 OF 1930 CYBER HELPLINE.

Read the Application and papers produced, considered the Muddamal opinion of the Investigating Officer.

This Application is filed u/s. 503 of BNSS Dated 05-03-2026 vide complaint **Acknowledgment No. 31101260012352** of Applicant **Mahesh Bholabhai Makwana, Residing at: Botad, Bavajini Vadi, Gadhada Road, Taluka and District – Botad** to get the refund of the withdrawn money **Rs. 55,920/-** from his **Gujarat Gramin Bank, Account No. 78040457765** which are deposited in opponent's (1). **Account No. 390802010107330, of Union Bank of India,** (2). **Account No. 57640100012550, of Bank of Baroda,** and (3). **Account No. 44265842347, of State Bank of India** from which Amount of **Rs. 6,953/-** Was freezed and seized by Cyber Crime Police.

Now considering the opinion given by A.G. Solanki, Incharge Police Inspector, Cyber Crime Police Station, Botad, he has submitted that the petitioner is a victim of Cyber Crime and the money withdrawn from the applicant's Account from which (1). **Amount of Rs. 2,000/-** was enlisted in opponent's **Account No. 390802010107330, of Union Bank of India,** (2). **Amount of Rs. 4,362/-** was enlisted in opponent's **Account No. 57640100012550, of Bank of Baroda,** and (3). **Amount of Rs. 591/-** was enlisted in opponent's **Account No. 44265842347, of State Bank of India.** According investigating officer freezed and

seized the said amount, opponent's account no objection has been arose before the police about the seizure of the account by the owner or any other person after seizing the account. Thus, considering the opinion of the investigating officer the account in which the fraudulent amount has gone must have been opened only for fraud, further the owner did not be caught. Thus, prima facie it appears that this account was opened only before committing the fraud and since the amount enlisted in the account of the opponent was transferred from the account of the petitioner by fraud, it is appropriate to re- transfer the same amount to the account of the petitioner and it is just and proper to return the said amount to the petitioner.

Hence, I pass the following order in the interest of justice.

:: ORDER ::

1. The application of the applicant **Mahesh Bholabhai Makwana, Residing at: Botad, Bavajini Vadi, Gadhada Road, Taluka and District – Botad** is hereby allowed U/s. 503 of the BNSS.
2. It is hereby ordered that the Custody of the cash amount of **Rs. 6,953/-** seized in the said offence shall be to the petitioner as interim custody subject to furnishing of one and half time the personal surety (bond) of the said amount and surety of the like amount before the Police Station till the final disposal of the case subject to the following conditions.
3. It is further ordered that on furnishing the personal surety (bond) and surety of the like amount before the police station by the applicant, the police officer shall intimate the same and about the said order to the concerned Bank and it is ordered to **(1)**.

Union Bank of India, (2). Bank of Baroda, and (3). State Bank of India that on receipt of the intimation by the Police Officer that applicant has furnished the personal surety (bond) and surety of like amount and on production of identification card by the petitioner before the police station and about the said order, the (1). **Amount of Rs. 2,000/-** lying as deposited in their **Account No. 390802010107330, of Union Bank of India,** (2). **Amount of Rs. 4,362/-** lying as deposited in their **Account No. 57640100012550, of Bank of Baroda,** and (3). **Amount of Rs. 591/-** lying as deposited in their **Account No. 44265842347, of State Bank of India** that amount be deposited to the applicant's **Gujarat Gramin Bank, Account No. 78040457765** within 10 days and intimation of the same be made to this Court and the Concerned Police Station.

Conditions:-

1. The petitioner shall produce the said money before this court or the court when and where asked.
2. The petitioner has to return the said amount if the aforesaid account holder or any other person makes claim on the said amount and establishes his right / interest.
3. Said muddamal amount shall not be used to make to sue, for any offensive act.
4. In case breach of any of the conditions, the order interim custody shall automatically get canceled and muddamal cash amount shall be liable to be seized again and surety amount shall also likely to be recovered.

Intimation of this order shall be made to the Concerned Police Station and Nodal officer of the opponent's Bank.

Pronounced in the open court on this 13th of March, 2026.

Botad.

Dt. 13-03-2026

(M.S. Soni)

Chief Judicial Magistrate

Botad

GJ01262