

ACKNOWLEDGMENT NO. 31111250228793

ORDER BELOW APPLICATION OF APPLICANT **NILESHBHAI HARESHBHAI MAKWANA, U/S. 503 OF B.N.S.S** IN COMPLAINT FILED VIDE ACKNOWLEDGMENT NO. 31111250228793 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 B.N.S.S Dated 05/03/2026 vide complaint **Acknowledgment No. 31111250228793** of Applicant **NILESHBHAI HARESHBHAI MAKWANA, Residing at: MADHAV PARK, GADHADA, TA. GADHADA, DIST. BOTAD**, to get the refund of the withdrawn money **Rs. 8,200/-** from his **STATE BANK OF INDIA, Account No. 33566102709** and opponent's several account out of which in (1) **Airtel Payments Bank, Account No. 7297809286, Rs.1,044/-** (2) **Bank of Baroda, Account No. 54360100006031, Rs.4,000/-** was seized by Cyber Crime Police.

Now considering the opinion given by **A.G.Solanki, I/C 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Cyber Crime Police Station, Botad**, he has submitted that the petitioner is a victim of Cyber Crime and the money withdrawn from the applicant's Account from which Sum of amount **Rs.5,044/-** was enlisted in opponent's Several Bank Accounts of different Bank ,i.e (1) **Airtel Payments Bank, Account No. 7297809286, Rs.1,044/-** (2) **Bank of Baroda, Account No. 54360100006031, Rs.4,000/-**, According investigating officer freezed and seized the said amount, opponent's Bank account appears to be fake as no objection has been arose before the police about the seizure of the account by the owner or any other person. Thus, considering the opinion of the investigating officer the accounts 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 these account were 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 **NILESHBHAI HARESHBHAI MAKWANA, Residing at: MADHAV PARK, GADHADA, TA. GADHADA, DIST. BOTAD**, is hereby **allowed 503 OF B.N.S.S.**

2. It is hereby ordered that the Custody of the cash amount of **Rs.5,044/-** seized in the said offence shall be to the petitioner's 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 **Airtel Payments Bank and Bank of Baroda** 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 amount of **Rs.5,044/-** lying as deposited in their (1) **Airtel Payments Bank, Account No. 7297809286, Rs.1,044/-** (2) **Bank of Baroda, Account No. 54360100006031, Rs.4,000/-**, these amount be deposited to the applicant's **Account No. 33566102709 of STATE BANK OF INDIA**, within 10 days and intimation of the same be made to this Court and the Concerned Police Station.

4. It is further ordered that All the governing authority of (1) **Airtel Payments Bank, Account No. 7297809286**, (2) **Bank of Baroda, Account No. 54360100006031** shall make these Account Active only for the purpose of amount transfer in the petitioner's account, and after the

transfer these accounts shall permanently be closed, so such other fraud from this account can be averted.

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. The petitioner shall not mortgage, gift or by any other mode transfer the said muddamal cash amount to anyone till the final disposal of this case.
4. Said muddamal amount shall not be used to make to sue, for any offense act.
5. 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 **23rd of March, 2026.**

Dt. 23-03-2026
Gadhada.

(H.A.Maka)
Judicial Magistrate First Class
Gadhada(Swa.)