

ORDER BELOW EX.1

1. Details of application is,

Crma no.	713/2026			
Name	Bharti Harshadkumar Valand Through POA Harshadkumar Karshanbhai Valand			
Age	32			
Mobile No.	8141464100			
Address	Sheri no.3, Ayodhyapuri, Rapar, Kachchh.			
Bank name & Bank A/c. No	Bank of India A/c. No....4628			
Defrauded Amount	Rs.80,000/-			
Date of Complaint to Cyber Police on 1930	08/03/2026			
Complaint No by Cyber Police	31103260053070			
Documents filed in support of application	1) Adhaar card no. ***** 9557 2) Bank details 3) Power of Attorney 4) Cyber complaint			
Opinion by Cyber Crime Cell CID Crime Gandhinagar vide OW No, Date and Opinion	1) OW No.1016/2026, Date : 29/04/2026 2) Authority : P I Mr. B V Borisagar. 3) Opinion - After freezing account none appeared before the police authority to agitate such freezing of account, opined to release such friezed amount to the applicant.			
Details of accounts friezed by Cyber Crime Cell CID Crime Gandhinagar	Sr no	Bank	A/c No	Amount
	1.	Fino Payments Bank	0794	Rs.2.86
	2.	Bank of Baroda	2294	Rs.34,995.14

	3.	Jio Payments Bank Ltd.	6598	Rs.15,000/-
	4.	SBI	6979	Rs.4,999/-
	Grand Total			Rs.54,997/-

2. Ld. APP has submitted that looking to the nature of application and considering the report of concerned Police Officer, the present application should be rejected.
3. As there is a complaint of victimization of cyber crime by this applicant and the very amount of that crime is found in such friezed account and nobody has appeared to oppose the act of freezing - seizing of accounts and no one is claiming the amount seized by the police officer in the present case and therefore, considering all these facts, it appears that interest of justice would be served, if such friezed accounts' amount be returned to applicant till completion of legal proceedings as interim custody as per the principle laid down by **Honourable Supreme Court of India in case of Sundar Amabalal Desai Vs. State of Gujarat reported in AIR 2003 SC 638** and hence, in the larger interest of justice, the present application is allowed with the following conditions.
4. Moreover, referred officer order no. Judi/6235/2023 dated 24/07/2023 of Hon'ble Principal District Judge, Kachchh @ Bhuj, officer order no. Judi/5797/2026 dated 11/06/2026 of Hon'ble Principal District Judge, Kachchh @ Bhuj and Notification No. GG/27/PST/102020/307/V of Home Department, Sachivalaya, Gandhinagar, dated 27/05/2021 with regard to jurisdiction of this court.

CONDITIONS

- a. The applicant namely **Bharti Harshadkumar Valand Through POA Harshadkumar Karshanbhai Valand** is directed to execute bond and surety to the tune of double of amount friezed by the Cyber Crime Police Station/ Gandhidham Police Station, alongwith an undertaking to deposit/return the very amount to/before the authority as and when ordered by the court in future.
- b. On executing such bond and surety, In-charge of concerned Police Station/In-charge of Cyber Crime Police Station East Kachchh Gandhidham, would carry

out necessary procedure of De-freezing and transferring of **Rs.54,997/- (rupees fifty four thousand nine hundred ninety seven only)** in the account of applicant namely in **Bank of India A/c. No....4628** with a one week prior intimation to the freezing authority i.e., Cyber Crime Cell CID Crime Gujarat State Gandhinagar.

- c. This order be executed within one month from receiving necessary yadi from this court and execution be reported to this court at earliest.
- d. Registry to send necessary yadi to the concerned Police Station/In-charge of the Cyber Crime Police Station East Kachchh Gandhidham, for execution of this order.

Place : Gandhidham
Date : 19/06/2026

(Bhargavsinh Ravsinh Solanki)
Addl. Chief. Judicial Magistrate
Gandhidham-Kachchh.
(GJ 00919)