



**IN THE COURT OF 2nd ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT KADI, DISTRICT MAHESANA.**

CRIMINAL MISC. APPLICATION NO.148 OF 2026

:: ORDER BELOW EXH.1 ::

1. This application is filed by the applicant U/s. 497 and 503 of Bhartiya Nagarik Suraksha Sanhita, 2023 (in short BNSS). The applicant prayed for the custody of the Muddamal Money which was freezed U/s. 106 of BNSS in connection with the complaint registered by the applicant by calling on Phone No.1930 on 14.09.2025 bearing complaint No.31109250185307 registered before the Cyber Crime Police Station at Kadi.
2. After filing of the application, this court has called for the report of Investigating Officer of the Cyber Crime Police Station at Kadi and the Investigating Officer has given positive opinion in the present application by stating that any objection has not been filed before the police station and as such the applicant can return money from the freeze bank account.
3. It is submitted by the applicant that the amount as mentioned in the application has been transferred from his bank account and the same has been credited in the freeze account and said amount remain as it is in freeze account and nobody has claimed the amount. Therefore, it is requested by the applicant in application to refund/return the amount which was credited/deposited in the freeze account U/s. 497 and 503 of BNSS. Applicant has

produced requisite documents i.e. copy of complaint and Bank Statement.

4. This Court has gone through the averments made in the application, it appear from the record that an amount of Rs.44,000/- has been transferred from applicant's Bank of Baroda A/c. No. (Credit Card) No.85068100000223, IFSC : BARBODBCHRK and the same amount has been credited/deposited in the opponent's UCO Bank, A/c. No.03900110081648.

The Ld. Advocate for the applicant has filed purshis vide Exh.5 whereby agreed to return an amount of Rs.22,500/- as report filed by the Police Station.

- 4.1 The applicant has submitted that, the said amount which was credited in the opponents' account has been freezed by the Investigation Officer U/s. 106 of BNSS. The said amount has not been withdraw/claim by anyone till date. But it has been transferred from the applicant's aforementioned bank account. Investigation Officer has given positive opinion in the present application and accordingly, it transpires that, they have no objection if amount is given to the applicant from the freeze bank account.
5. In view of the aforesaid facts and circumstances of the case and judgement of the Hon'ble Apex Court passed in Sunderlal Ambalal Desai judgement passed by the Hon'ble Apex Court in Special Criminal Application No.7108/2016. Present application deserves to be allowed subject to the following condition. Hence, I passed following order in the interest of justice.

:: ORDER ::

1. The application filed by the applicant is hereby partly allowed. It is order to return the cash amount of **Rs.22,500/-** which was seized in connection with the above mentioned complaint, shall be returned to the applicant as interim custody on furnishing surety and personal bond of one and half time of the seized amount before the Cyber Crime Police Station, Kadi subject to the following conditions till final disposal of the case.
2. It is further ordered that, after compliance of the order passed by this Court by the applicant, Investigating Officer will informed the concerned Branch Manager of the applicant's Bank account and opponent's bank account as mentioned above and also mentioned in the application as well as in the opinion given by Investigating Officer. Thus, **Rs.22,500/-** which has been freezed, has to be transferred and deposited in applicant's Bank of Baroda A/c. No.85068100000223, IFSC : BARBODBCHRK.
3. The banks are directed to comply with the order passed by this Court.

• **Terms and Conditions :-**

- (1) The applicant will have to produce the said amount before this Court, when Court ordered it.
- (2) If the above mentioned account holder or any other person claim the said amount and proved his interest, in that circumstance, the applicant will have to return the said amount.

In the event of breach of any of the conditions, the interim order passed by this Court stands automatically canceled. The

Order below Exh.1

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surety and amount of bail bond shall be recovered from the applicant and surety.

Order signed and pronounced in the open Court on this 25th March, 2026.

Date : 25.03.2026

Place : Kadi.

(M.B.Purohit)

2nd Addl. Chief Judicial Magistrate

District Mahesana.

[Code No.GJ01411]

*JPT