

Order Below Exhibit-01

- 1 This Application is filed by the applicant under section 497/503 of The Bharatiya Nagarik Suraksha Sanhita, 2023. Applicant prayed for the Interim Custody of the Mudamal Money which was freeze u/s 106 of The Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with the Complaint registered by applicant on 1930 Phone Call bearing **Compliant No.31108250163252** registered before the Cyber Crime Police Station at Mahesana.
- 2 After filing of the application, this court has called for the report of investigating officer of the **Vijapur Police Station, Dist- Mahesana** and the investigating officer has given positive opinion in the present application and stated that they have no objection if amount is given to the applicant from the Freeze Bank Account.
- 3 It is submitted by the applicant that the amount as mention in the application has been transfer from his bank account and same has been credited in the Freeze account and said amount remain as it is in freeze account and nobody has claim the amount. Therefore it is requested by the applicant in application to refund/return the amount which credited/deposited in the freeze account under section 497/503 of The Bharatiya Nagarik Suraksha Sanhita, 2023. Applicant has produced the

Photocopy of Aadhar Card, Bank Statement of his bank account and Freeze bank account.

- 4 This court has gone through the averments made in the application, It appear from record that the total **Rs.3,521/-** amount from **Applicant's Bank of India, Bank A/c/ credit card No.2.21916E+14** as mention in application has been transfer from and same has been credited/deposited in the following bank account which has been mentioned as under.

Sr. No.	Name of Opponent's Bank	Account No.	Amount
1	HDFC Bank	50200082482860	Rs.3,521/-
		Total	Rs.3,521/-

The above stated amount has been freezed by Investigation Officer under section 106 of The Bharatiya Nagarik Suraksha Sanhita, 2023. The said amount has not been withdraw/claim by anyone till date. But it has been transfer from the applicant's afore- mentioned bank account. Investigation Officer has given positive opinion in the present application and stated that they have no objection if amount is given to the applicant from the Freeze bank account. In view of the aforesaid facts and circumstance of the case and Judgment of the Honorable Apex court Passed in Sunderlal Ambalal Desai Judgment 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

The Application filed by the **Applicant - Patel Pinaben Ramabhai** is hereby partly allowed. It is order to return the cash amount of **Rs.3,521/-** which was seized in connection with the above mentioned Compliant, 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 **Vijapur Police Station, Dist- Mahesana**. Subject to the following conditions till final disposal of the case.

It is further ordered that, after compliance of the order passed by this court by the applicant, Investigation Officer will informed the concerned Branch Manager of **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.3,521/-** which has been freezed, has to be transferred and deposited in the **Applicant's State Bank of India, Bank A/c No.41013969000, IFSC Code: SBIN0000496**.

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

Signed and pronounce in today.

Place:- Vijapur

Date:-

(Dharmendrakumar Ashokbhai Patel)

Additional Chief Judicial Magistrate,
Vijapur,
Judge Code GJ-01228.