



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
(COURT No.3), BULDHANA, DISTT. BULDHANA.

(Presided over by J. S. Thakare)

Applicant: **Kunal Anil Chavan**
Aged about :- 23 yrs. Occ :- Education,
R/o. At Datta Colony, Sundar Khed,
Tq. And Dist. Buldhana.

-Versus-

Non-applicant: **Government of Maharashtra State**
(Cyber Police Station), Buldhana
Tq. and Dist. Buldhana

Advocate for Applicant : Shri. S. G.Tembe

Advocate for Non-applicant : A. P. P. Smt. U. P. Rothe

ORDER BELOW EXH. 1

(Passed on 11/08/2026)

1. This is an application filed by applicant for releasing the seized property i.e. cash amount of Rs.1,800/-, Rs.2,000/-, Rs.2,999/-, Rs.4,649.89/- and Rs. 990.5/- total Rs. 12,439.39/- which is kept on hold by Cyber Crime Cell, on Supurtanama.



2. As per the applicant No. 1 he had received a phone call. He was informed that, money was sent to his account by that person mistakenly. Applicant No. 1 saw the message and mistakenly sent the amount to that person. Applicant No. 1 later, realized that the short message service (sms) was fraudulent and he has been cheated. Accordingly, on 19/09/2025 he filed online complaint regarding to the cyber fraud on the portal. The applicant received the acknowledgment No. 31909250173211. The total amount of Rs. 43,426/- was sent by the applicants from their bank accounts at **State Bank of India Branch Buldhana Account No. 36741918590.**

3. The applicant further submitted that, fino Payments Bank Account No. 20404118188 Rs.6,799/-, Punjab National Bank (Including Oriental Bank of Commerce and United Bank of India) Account No. 0498000100271275 Rs.4,649.89/- and Bank of Baroda (Including Vijaya Bank and Dena Bank) Account No. 14510100020979 Rs.990.50/-. After, the applicant filed the complaint, some amount was kept on hold in concerned bank accounts. In all, Rs. 12,439.39/- is on hold in different bank accounts. The applicant submitted that, this amount belongs to him which he had sent on the different dates.

4. The Investigation Officer filed his say below **Exh. 05.** The



learned A.P.P. for the State also filed her say on the overleaf of application. The Investigation Officer submitted that the amount of Rs. 12,439.39/- was hold by Cyber Portal vide application No. 31909250173211. The Investigation Officer submitted that they have no objection to hand over the concerned money to the applicant if he is ready to execute a bond. He has further submitted that, the amount in question is not seized at cyber police station. The amount of Rs. 12,439.39/- may be released and handed over to the applicant. On the other hand, Ld. A.P.P. strongly opposed the application and stated that, if the amount is handed over to the applicant, it can not be produced before the Court at the time of trial and prayed for rejection of the application.

5. The applicant has filed copy of online complaint made by him on 19/09/2025. He also have filed statement of his bank account and copy of Aadhar card to prove his identity. Apart from the applicant, none of the person has claimed the said amount. Moreover, no such averment is made by the investigation officer till today. Considering the apprehension of Ld. A.P.P. necessary condition can be imposed.

6. *In the judgment of Sunderbhai Ambalal Desai Vs. State of Gujarat, AIR 2003 SC 638* the Hon'ble Supreme Court observed that



it is of no use to keep such seized property at the Police Station for a long period and Magistrate has power to release the property on suitable conditions. The cash property can be considered as property. Therefore, keeping in mind the observation of the Hon'ble Supreme Court in judgment of ***Sundarbhai Ambalal Desai*** case, it is just and proper to release the above said seized property i.e. Rs. 19,430.12/cash on certain bond after imposing the conditions. In the result, I pass the following order;

ORDER

1. Application is allowed.
2. The Investigation Officer in Online Complaint acknowledgment No. 31909250173211 is hereby directed to release the interim custody of seized property i.e. Cash of Rs. 12,439.39/- (Twelve Thousand Four Hundred Thirty Nine Rupees Thirty Nine Paise Only) by executing indemnity bond of Rs.12,439.39/-(Twelve Thousand Four Hundred Thirty Nine Rupees Thirty Nine Paise Only) on following conditions :-
 - A) The Applicant shall undertake that he will deposit the said property / cash as and when directed by the Court.
 - B) The Investigation Officer is hereby directed to prepare Panchanama of the said property i.e. cash amount and take photographs of the same and Panchanama and said Photographs file with the charge-sheet of Online Complaint acknowledgment No.31909250173211.



3. Copy of this order be sent to Investigation Officer.
4. The Investigation Officer is directed to comply the order, as about before granting interim custody of seized property i.e. cash of Rs. 12,439.39/- (Twelve Thousand Four Hundred Thirty Nine Rupees Thirty Nine Paise Only) to applicant.
5. Letter be issued to concerning authority.

Dtd. 11/08/2026

(J. S. Thakare)
Judicial Magistrate First Class,
Court No. 03, Buldhana.