

 MHAU110005562026	<u>Order below Exh.1</u> in Cri. M. A. No. 62/2026 Kaduba Sathe vs. State
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This Misc Application filed for defreeze the account of accused and return of Rs. 2,27,090.5/- vide section 503 of Bhartiya Nagrik Suraksha Sanhita.

2. According to applicant on 01/12/2025 to 20/12/2025 a total amount of Rs.3,05,385/- has been deducted from the applicant's bank account by the person mobile phone was found. The applicant had gone to the concerned bank regarding the said deducted amount. The concerned officer asked to file an online complaint, accordingly, I have filed a complaint.

3. Accordingly the applicant transferred Rs.2,27,090.5/- to online bank account. However, the applicant came to know that, it is an online fraud. Thereafter, on 01/12/2025 he lodged complaint on Cyber Crime Portal and its number is 21912250141229. On said complaint Cyber Crime Police Station hold the amount of Rs.2,27,090.5/-. According to applicant, the amount which is transferred is belongs to the applicant, hence prayed for the direction to the Cyber Police. Cyber Police Station Chhatrapati Sambhajnagar (Rural) to defreeze the account of accused and return the amount of Rs.2,27,090.5/- to the applicant.

4. Say of investigating officer and I. O. was called. Investigating officer filed his say and contended that, as per complaint of the applicant the amount of Rs.2,27,090.5/- is put on hold. Supporting list of Bank and amount Nonumber mentioned in the say by

the I.O. The said mentioned amount was freezed by way of National Cyber Crime Portal. Hence prayed for appropriate order.

5. Ld. A.P.P. filed his say and contended that, the investigating officer has freezed various amounts belonging to the accused. The name and address of the said accused are not mentioned. If the freezed amount is returned to the applicant, he might spend it. Therefore, prayed for rejection of the application.

6. Heard the Ld. Advocate I.O. and A.P.P. for the state.

7. On perusal of record, it appears that, applicant has filed copy of complaint along with photocopy of bank statement. From record it appears that, the applicant has filed a complaint about internet banking related fraud and financial loss. On perusal of said report and his status prima facie it appears that, the applicant has filed complaint regarding online fraud of Rs.3,05,385/-. Out of which after filing complaint amount of Rs.2,27,090.5/- is put on hold in the concerned bank. As per say of I.O. said amount is freezed. No one appeared and raised any objection in present application. Therefore, prima facie it appears that, the amount which is put on hold by concerned banks is belongs to the present applicant. Therefore, applicant is the person who is entitled for the interim possession of said amount.

8. The object of the provisions of disposal of properties is not to retain the property in the custody of the police and the court longer than the period which is necessary. In the present matter there would be no purpose served by keeping the said amount in the disputed account without any reason. Therefore, it would be proper to give the said amount to the applicant in his interim possession with conditions. Hence, I pass following order.

<u>ORDER</u>	
A	The application is allowed.
B	The Cyber police of Aurangabad and the concerned officer of Chhatrapati Sambhajinagar (Gramin) Police Station is directed to defreeze the concerned bank account to the extent of amount of Rs.2,27,090.5/- which is put on hold in various bank and re-transfer the said amount to the applicant (Bank name-State Bank of India and account No.62269364370) into his interim possession, on executing indemnity bond (Supurtnama Bond) of Rs.1,20,000/-.
2.	The applicant is directed to redeposit the said amount into the bank as and when required for the further inquiry, investigation and trial.
3.	The IO shall verify the documents and conduct detailed Panchnama before handing over the seized amount to the applicant.
4.	Inform the order to the concern police station accordingly.

Phulambri.
Date : 18.06.2026

(Chandrakant Ramchandra Patil)
J.M.F.C., Phulambri