

MHBI140003752026



Cri. M. A. No. 44/2026
Sarjerao Golhar -Vs.- State
CNR No. MHBI140003752026

Order passed below Exh.1

The applicant namely Sarjerao Dnyandeo Golhar, R/o Kapasi, Tah. Ashti, Dist. Beed has filed present application under Section 503 of the Bharatiya Nagarik Surakshya Sanhita, 2023 for release of seized property cash of Rs.30,000/- registered with Cyber Cell, Complaint No.31902260034463.

2. By this application, the applicant has contended that, the total amount Rs.30,000/- is fraudulently got transferred by unknown person from phonepe of complainant on 13/02/2026 by misleading him. When complainant got knowledge of deduction of said amount from his account, he has filed complaint with Cyber Cell bearing No. 31902260034463. Accordingly, amount of Rs.30,000/- is put on hold by the Cyber Cell. It is submitted by applicant that the amount is required for his daily needs. The applicant lastly prayed allow the application.

3. The learned APP filed his say to the application. The learned APP in his say Exh.5 submitted that, he has no objection to release said amount to the applicant on terms and conditions. He lastly, prayed for appropriate order.

4. Though, the the notice was issued to I.O., his say is not filed on record.

5. I have perused the instant application. It is seen that, the above amount has been put on hold by the Cyber Cell in the aforesaid crime. The applicant has produced the screen shots of message transactions, copy of online complaint and verified copy of his passbook and account statement of SBI, as well as his Aadhar Card.

6. It is the submission of prosecution that the amount Rs.30,000/- came to be put on hold in present crime. Therefore, suitable order may kindly be passed.

7. It is the submission of learned advocate for applicant that the seized amount Rs.30,000/- necessary for daily needs of applicant. Therefore, interim custody may kindly be granted.

8. I have given thoughtful consideration argument adduced by the respective parties. It is seen that the applicant has lodged online complaint with Cyber Cell bearing No. 31902260034463. There is no dispute that Rs.30,000/- came to be put on hold in alleged crime during the course of investigation. The applicant has stated on oath that the amount is required for his daily needs. At the time of deciding interim custody of seized muddemal, prima-facie material on record required to see. In the present case it is the allegation of applicant that he is entitle to interim custody of seized amount. The Hon'ble Supreme Court gives direction in **Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. Respondent: State of Gujarat AIR, 2003, SC 638** for the release of muddemal. Thus, having considered above discussed aspect, it is seen that applicant Sarjerao Dnyandeo Golhar is entitled for interim custody of the seized amount. No purpose would be served by keeping the

seized amount in hold. In this view of matter, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. The Investigating Officer, conducting investigation in complaint No. 31902260034463 of Cyber Cell is directed to release the amount Rs.30,000/- to the applicant Sarjerao Dnyandeo Golhar on his executing indemnity bond to the tune of Rs.1,00,000/- (Rs. One lack only) after due verification and identification of the applicant.
3. The applicant shall submit the indemnity bond before the concerned Investigating Officer.
4. Investigating Officer shall conduct detailed panchnama of the seized amount with colour photographs at the expenses of applicant. The indemnity bond duly executed by the applicant, the panchnama, the photographs be sent to this Court on compliance.
5. Issue letter to the Investigating Officer, Police Station, Amalner, Tq. Patoda, Dist. Beed.

Date : 27/04/2026

(K. K. Khomane)
Judicial Magistrate First Class, Ashti.

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CERTIFICATE

"I affirm that the contents of this PDF file are word to word as per original Judgment / order"

Dictated on : 27/04/2026

Transcribed on : 27/04/2026

Checked & signed on : 27/04/2026

Sd/-

Jalindar B. Pokale,
(Stenographer Grade-II)