

MHKO050023472026 	<u>Cri. M.A.No. 116/2026</u> <u>Rohit Goutamchand Mutha</u> <u>Vs.</u> <u>State Of Maharashtra</u>
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ORDER BELOW EXH. 01

This application is filed by the applicant namely **Rohit Goutamchand Mutha** under Section 503 of the Bhartiya Nagrik Suresha Sahinta for return of freezed amount of Rs.76,797/- (Rupees Seventy Six Thousand Seven Hundred Ninety Seven Only) through non-applicant.

2. It has been contended by the applicant that, he was financial defrauded via auto debit for the total amount of Rs.76,797/- in the online fraud. The amount of Rs.76,797/- was transferred from the following account of applicant on the account of accused fraudsters :-

Sr. No.	Bank Name and Account No. of applicant	Amount
1	Central Bank of India, Ichalkaranji 3704824881	Rs. 76,797/-

3. According to the applicant, financial fraud is occurred and amount was auto debited from his account. Thereafter, applicant has lodged online complaint bearing No. 31904260072450 with Cyber Police Station Kolhapur on 06/04/2026. On complaint of applicant, out of total defrauded amount the Cyber Police Station has seized/frozen amount of Rs.10,124.10/- in the following accounts :-

Sr.No.	Amount	Bank Name	Account No. & Transiction No.
1	Rs. 9,999.00/-	Nainital Bank	0272002000005791

			01540449326
2	Rs. 39.00/-	State Bank of India	45028281984
			001540384136
3	Rs. 86.10/-	Punjab National Bank	3637000100188188
			138311274409
Total	Rs. 10,124.10/-		

4. According to the applicant, amount of Rs.10,124.10/- was frozen in the aforesaid bank account during investigation. This amount frozen by non-applicant is entirely owned by the applicant and accused fraudsters deceived the applicant and have taken the said amount by defrauding applicant by using tactics of financial fraud of auto debit. The accused has fraudulently transferred the said amount to his own account as well as account of other person and it is necessary in the interest of justice that all the said amounts be seized from the account of accused through non-applicant and transferred back to the applicant's account. No one has claimed said amount, applicant is ready to abide each and every condition imposed by court. Hence, applicant prayed for total amount of Rs.10,124.10/- frozen in the bank account of the accused as well as be seized through non-applicant and given to the applicant for the fraud happened with him.

5. Called say of I.O. and A.P.P. In spite of given sufficient opportunity I.O. and A.P. P. have not filing say till today. Hence application is proceed without say of I.O. and A.P.P.

6. The applicant relied upon copy of Cyber crime incident complaint, Cyber complaint, certified copy of account statement of the applicant and Adhar card of applicant.

7. It is the contention of the applicant that, As soon as complainant came

to know that he was trapped in online fraud and aforesaid amount was defrauded by unknown accused person, then immediately he was acted upon and filed complaint to Cyber cell. The amount mentioned in the Cyber Police complaint in consonance with amount mentioned in the application. The payment summary from account statement of applicant of Central Bank of India shows that the amount of Rs.76,797/- has been debited for the transaction mentioned in the application. The investigation in respect of fraudulent transaction shows that said total amount of Rs.76,797/- has been transferred to the account of accused as well as fraud bank account details given by investigation agency. From record it shows that, by online fraud applicant was cheated and amount of Rs.76,797/- was transferred from the account of applicant to the account of accused. The alleged bank account maintained by accused other person and the amount mentioned by the applicant was transferred on that accounts. The bank statement entries shows the transferred details. The present applicant is ready to give bond of the said amount. Therefore, there is no apprehension to tamper the evidence. No person other than the applicant has claimed the amount in question. There is no reason to hold the amount of applicant out of the frozen amount of said account for longer period. The trial would not be completed in near future. If interim custody of the frozen amount is given to the applicant on indemnity bond by drawing detailed panchanama, the purpose will be served. No prejudice will be caused to either side. Hence, I pass following order;

:: Order ::

- a) The application is hereby allowed.
- b) The interim custody of the frozen total amount of Rs.10,124.10/- (Rupees Ten Thousand One Hundred Twenty Four and Ten Paise Only) shall be returned to the applicant namely **Rohit Goutamchand Mutha**

on suprutnama of same amount with condition that, he shall produce the same amount before the Court as and when directed, with following conditions :

- c) The applicant shall execute an indemnity bond of same amount in the event of adverse order passed, if any, online complaint details- 31904260072450 and registered with Cyber crime department.
- d) The authorized officer/Bank Manager of Nainital Bank concerned frozen number account- 027200200000579, State Bank of Indian- frozen account number- 45028281984, Punjab National Bank — frozen account number- 3637000100188188 **(above mentioned in para No.3)** is directed to transfer the amount which is frozen in the account number **mentioned in the para No.3** to the account of applicant maintained with **Central Bank of India having account No. 3704824881 Branch- Ichalkaranji, Dist. Kolhapur** after necessary correspondence made by Police Station Ichalkaranji.
- e) The I.O. shall prepare detailed panchanama in presence of the applicant mentioning the particulars amount transferred in the account of applicant from the frozen account of the accused and file the said panchanama in the Court which can be used as evidence at the time of trial.
- f) Inform the order to concern Police Station and concerned Branch Manager of Banks accordingly.

Place : Ichalkaranji
Date : 24/07/2026.

(A.M.Gaikwad)
Judicial Magistrate First Class
Ichalkaranji, Dist. Kolhapur.