

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
17TH COURT, BORIVALI, MUMBAI

Notice No. 426/N/2026
North Region Cyber Police Station

ORDER BELOW EXH. 1

Present application is filed by applicant viz. Mukesh Dayalji Patel praying for defreezing amount of Rs. 14,79,226/- in his account.

2. Applicant has stated that he has lodged FIR bearing no. 42/2026 for cheating and fraud. During investigation, bank accounts are freezed wherein amount is transferred. Hence, applicant prayed to defreeze said amount.

3. Perused application as well as say filed by I.O. and Ld. APP I.O. has given no objection for allowing the application stating that applicant is entitled to get amount which is freezed. It has been contended by Ld. APP that if amount is given to the applicant, he may dispose of the same.

4. To support the contentions in the application, applicant has filed his affidavit. Applicant has also filed on record affidavit stating that joint account holder i.e. his mother is no more along with copy of her Aadhaar card and death certificate. Applicant has produced on record photocopies of FIR, Aadhaar Card, bank statement of his account maintained with Bank of India, branch Andheri (West) and Bank of Baroda, branch Goregaon (West) as well as bank statement of his joint account maintained with Axis Bank.

5. Heard both sides. Ld. Advocate for applicant has filed pursis praying that amount as per say of IO be returned to the applicant. After

taking into consideration the say filed by police, it is clear that bank accounts are freezed wherein amount is transferred. *Prima facie* applicant appears to be entitled to get the temporary custody of the amount which is freezed. Considering the nature of offence, the Court is of the opinion that conditional order will suffice the purpose. Hence, amount can be defreezed and reverted to the applicant's account. Therefore, the Court proceed to pass following order.

ORDER

- i. Application is allowed.
- ii. Investigating Officer is directed to transfer the seized freezed amount in the account of applicant, after receipt of bank details from the applicant.
- iii. Applicant shall execute his indemnity bond of Rs. 4,85,082/- (Rs. Four lakhs Eighty-five thousand Eighty-two only) subject to the following conditions.
 - a) Supurtnama be executed in concerned police station on it's due identification.
 - b) Concerned police station to transmit copy of Supurtnama to this Court.
 - c) If it is proved subsequently that the applicant is not entitled to the above stated amount, he shall be liable to deposit the said amount in the Court.
- iv. Office to issue memo accordingly.

Date : 01.07.2026

(A. A. K. Shaikh)
Judicial Magistrate First Class,
17th Court, Borivali, Mumbai.