

MHNG180004822026



**Order Below Exh.No. 1**  
**(Passed on 13<sup>th</sup> March, 2026)**

This application has been filed by the applicant for releasing the amount of Rs. 17,00,000/- under Section 503 of Bharatiya Nagrik Suraksha Sanhita.

2. Perused the application and say of I.O., APP. Heard learned A.P.P for the State and Learned Advocate of the Applicant.

3. The applicant in the application submitted that, the applicant is the permanent resident of Ward no. 3, Amravati Road, Near Bus Stop, Gondkhairi, Nagpur, Dist Nagpur. That, the applicant has given complaint of below said incident in Kalmeshwar Police station on 24-2-2026. The Kalmeshwar police registered offences of cheating and theft vide FIR NO 208/2026 on 24-2-2026. The Kalmeshwar police has made investigation in the matter and arrested the accused on dated 4-3-2026 and recover the property i.e. money Rs. 17,00,000/- taken fraudulently, cheating by accused from applicant during the investigation. Since then, Rs. 17,00,000/- are in possession of Kalmeshwar Police Station.

4. That, nearly 8 months ago while coming/traveling from home i.e. Gondkhairi to Kalmeshwar I have given lift to a person namely "Krishna Kumbhare" and left him to MIDC Kalmeshwar. At that time, accused/he told me that, "His name is Krishna Kumbhare, resident of Vijayapur, Vijapur, Karnataka and he is a JCB machine driver and also asked me what is my business". I told him that, "I am the owner of Pockllen Machin also having JCB and running business of dairy as he has 70-80 cows at my home and after giving the accused namely Krishna to his visiting card offered him to whenever he is need in job come to me".

5. That, nearly at 1 PM on dated 17/12/2025 I have received a phone call on my mobile phone saying that, "I am Krishna Kumbhare, we have met 8 months before, you have given me lift and left me to the MIDC Kalmeshwar." Then listening to incident told by him to me I asked him that, "Now I remember you". After that he told me, "That on his father land while digging in farm they found 14 Kg of Gold and as I am the only heir to him, I want to sell some part of it. If you are interested, I will sell it you at cheap rate. Then I replied him, "How do I trust you?" Then he sends me the photo of the sample of golden little beads(mani) asked me to come to Village Vijaypur, Vijapur Karnataka but I refused and asked him to come to

my village place At- Gondkhairi, Nagpur with the sample. After talking 2-3 days with him on phone he decided to visit me at my home.

6. That, on dated 20/12/2025 the accused namely "Krishna Kumbhare" at nearly 1.30 PM he came to my residential place Gondkhairi along with the golden mani which were nearly 250 gm out of them he had given me 2 golden mani to check whether those are really golden or fraudulent after that I left him to 14 Mile Bus stop.

7. That, on dated 22/12/2025 to check the golden mani I along with those 2 golden mani which was given by accused to me went to Sonar Shop at- Itwari Nagpur whom I know personally. After checking he told me that both the golden mani are original. Then I called back to accused namely Krishna Kumbhare and that time he asked me that, "I wants to sell the 1 Kg of Gold at 30 lakhs can you buy it?" but after the detailed conversation between us it was fixed that 1 Kg gold will be given to me on 17 lakhs Rupees but for that he asked me to come to Vijaypur, Vijapur Karnataka. As decided between us I started to arrange the money from my friends and family members. I have got hand loan of 4 lakhs from Jeweler namely. ..by mortgaging my own golden ornaments, 5 lakhs from my friend namely Buta Amra Sathe, 3 Lakhs from the friend namely Jayram

Jaising Jograna, 2 Lakhs out of my dairy business and 3 Lakhs by selling the 5 Cows of my own farm in this way I have arranged 17 Lakhs Rupees to buy 1 Kg of gold for all of the my family and friends. Because there was a marriage of one of my cousin brothers was getting fixed. So, as a custom and rituals of our family we have to compulsorily gift golden ornament to Groom of family who's getting married.

8. That, on dated 26/12/2025 I along with my trusted friend namely Nana Selokar who is also resident of Gondakhairi, Nagpur reached at the address given by the accused nearly at Karnataka Border Vijaypur. That time accused had given me 1 Kg of Yellowish Metallic Mani Pouch in the exchange and I have given him 17 Lakhs Rupees as decided between us. At that time, we didn't check that the Pouch of Mani given by the accused was really golden mani or not and returned back to our home at Gondkhairi. On next we reached to Itwari Railway Station Nagpur and then went to that Jeweler/Sonar shop again to check whether those 1 kg of Golden mani were real or not. That Jeweler checked each and every golden yellowish Mani but nothing was found to be real. Then we along with those false golden Mani came to home.

9. That, after that incidence I have called back to the accused namely Krishna Kumbhare but he had switched his mobile off. At that time, I realized that accused had cheated me and fraudulently by giving false mani of gold with 17 Lakhs of cash in Rupees. Because I was fear of Police station, I hesitated to come to Police station to give Police Complaint of the Accused. But on dated 24/02/2026 I went to Police Station Kalmeshwar and told the Police officer in charge at that time the whole incidence happened with me and after listening to me they Police station Kalmeshwar had lodged the FIR vide FIR No. 0208/2026 and told me don't worry about your loss we will call your if we caught the accused. Accordingly, I have got call from Crime Branch Police station Kalmeshwar that they caught the Accused along with my money of 17 Lakhs on dated 3/03/2026. After that I visited the Police Station Kalmeshwar In charge Officer, they told me that they will release the amount 17 lakks on Supratnama.

10. That, the applicant being complainant and owner of Rs. 17,00,000/- recovered in crime no. 208/2026 is entitled to get the possession of the recovered property i.e. money/cash Rs. 17,00,000/- in crime no. 0208/2026 on supratnama. That, Rs. 17,00,000/- Lakhs recovered in investigation are of no utility in Police Station Kalmeshwar and therefore interim custody of Rs. 17,00,000/-would be

given to the applicant on supratnama. That the applicant undertakes to and is ready and willing to abide all the condition as may be laid down by this Hon'ble court while releasing property i.e. Cash of RS 17,00,000/-on Supratnama.

**11.** Ld. APP filed her say and submitted that he has not filed any document to show that seized money belonging to him hence, appropriate order may kindly be passed.

**12.** Investigating officer filed his say and submitted that accused is arrested in the present crime and he has admitted that he has taken amount of Rs. 17,00,000/- from informant and same is seized from him. I.O. further submitted that said amount is seized from accused hence there is no objection to release said amount to informant on supratnama.

**13.** Perused the record. Prima Facie the record shows that accused deceived informant by selling 250 gram of yellow gem instead of 1 kg gold for which he has paid Rs. 17,00,000/- to accused. The above mentioned Rs, 17,00,000/- has been seized from the possession of the accused who was involved in commission of offence. Applicant is informant in present case.

**14.** The applicant in support of his contention has filed documents on record along with list of documents Exh.3 i.e. copy of Aadhar Card of applicant, Sample Photo of golden

money sent by accused in FIR No. 208/2026, Handloan amount of 4,00,000/- taken by applicant from jewellers. From the perusal of above documents, it prima facie shows that the applicant appears to be the possessor of the said cash.

15. Considering the nature and gravity of offence, no purpose would be served in keeping the seized cash of Rs. 17,00,000/- (Rupees Seventeen Lakh only) i.e. lying in the Police Station Kalmeshwar. The seized cash is huge amount and trial may take its own time. Moreover, seized cash can be called as and when required by Court. At this juncture, the possibility of the damage to seized cash can not be ruled out if cash kept lying at Police Station Kalmeshwar. In the present crime, nobody except the applicant came before the court to claim in respect of the seized cash. So far as objection raised by learned APP is concerned, it is just and proper to impose conditions, which will suffice the purpose. The applicant who is informant in the present crime has also filed his affidavit on record stating that seized amount belongs to him and he will produced the same before the court whenever it is required. In view of the directions of the Hon'ble Supreme Court in the judgment of ***Sunderbhai Ambalal Desai v. State of Gujrat (A.I.R. 2003 Supreme Court 638)*** and the aforesaid reasons, I am of the opinion that the seized cash be returned to the applicant by imposing following conditions. Hence, the following order :

**ORDER**

1. The application is allowed.
2. The seized i.e. Cash of **Rs. 17,00,000/-** be handed over to the applicant **Raju Jaysingh Satiya** till the conclusion of the trial on executing indemnity bond of **Rs.17,00,000/-** (Rupees Seventeen Lakh only) on following terms and conditions :-
  - a. The applicant shall not create third party interest in the said cash till final disposal of the case.
  - b. The applicant shall not change nature of cash till final disposal of the case.
  - c. The applicant shall produce said cash before the Court in any matter arising out of above said crime, as and when directed.
  - d. The applicant hereby strictly restricted from using the said cash for any offenses or illegal purpose.
3. **The Investigating officer is hereby directed to -**
  - a. Take photographs of said cash through all angles and prepare detail panchnama of said cash which shall be countersigned by the applicant.
  - b. The Investigating officer is directed to file photographs and panchnama in the Court along with chargesheet.
  - c. The applicant to execute Indemnity before concerned Investigation Officer.
  - d. The Concern Clerk is directed to attach Indemnity Bond papers along with charge sheet of Crime No. 208/2026.

sd/-

( S.B. Mandwe )

Judicial Magistrate First Class,  
Kalmeshwar, Nagpur.

Kalmeshwar

Date:- 16.03.2026

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original Order.

Name of the Stenographer :-Smt. J.J.Kadu (Gr. III)