

**COMMON ORDER BELOW EXH. 1 IN CRI. M.A. NO. 115/2025 AND EXH. 18 AND 14 IN RCC NO. 468/2025**

In R.C.C. No. 468/2025 the application at Exh. 18 has been filed by applicant Dipali Shashikant Ghodke and application at Exh. 24 has been filed by witness Suresh Anna Pisal vide sec. 497 of BNSS with prayer to grant interim custody of cash amount of Rs. 2,00,000/-, and 4,00,000/- respectively.

2. In Criminal M.A. No. 115/2025 applicant/informant Sushma Rajeshkumar Mund prayed for interim custody of cash amount of Rs. 4,10,000/-. vide sec. 503 of BNSS.

3. The applicants have prayed for interim custody of amount seized in C.R. No. 279/2025 registered at Saswad Police Station. The applicant contended that they had given the amount for purchase of plot by accused. However, the accused cheated the informant Dipali Shashikant Ghodake for Rs. 2,00,000/-, to Sushma Rajeshkumar Mund for Rs.6,10,000/-. Out of which the accused has returned Rs. 2,00,000/- to her.

4. The applicant Dipali Shashikant Ghodake has filed pursis Exh.39 and prayer to grant interim custody of cash amount of Rs. 1,50,000/-. The applicant Suresh Anna Pisal has filed pursis Exh. 38 and prayer to grant interim custody of cash amount of Rs. 3,50,000/- and applicant/informant Sushma Rajeshkumar Mund has filed pursis Exh. 09 and prayer to to grant interim custody of cash amount of Rs. 3,50,000/-. (In short "said muddemal").

5. It is contention of applicants that, they are owner of said seized amount. Police authorities from police station Saswad, Tal. Purandar, seized the amount from accused in Crime No. 279/2025, which is registered for

the offence punishable under Sections 318(4), 316(5) and 338 of Bhartiya Nyaya Sanhita. In support of their claim, they have filed their affidavits, verified copies of Aadhar card of applicants, and copies of transactions receipts showing transfer of amount by them to accused.

6. Learned APP has filed say on application Exh. 30 and Exh. 31 and objected to release amount. He submitted that, the accused cheated 26 victims in the present offence, investigating officer during investigation seized amount of Rs. 8,50,000/-. Moreover, it also reveals that the said seized amount distributed into 26 victims. If the said amount released, there may be possibility that the present applicants may transfer or alienate to third person or change its original nature or dispose of it. Hence, he prayed that necessary order may be passed in the interest of justice.

7. In Criminal M.A. No. 115/2025, Investigating officer has filed say on application and submitted that, the accused cheated 26 victims and misappropriation amount of Rs. 93,69,000/- in the present offence. During investigation the seized amount of Rs. 8,50,000/- and he prayed that the said seized amount be given to victims.

8. On perusal of FIR and charge sheet, it seems that, the complaint was filed under Sections 318(4), 316(5) and 338 of Bhartiya Nyaya Sanhita. During investigation said muddemal has been seized from accused. Charge-sheet has been filed. Moreover, the I.O. has raised objection to release the amount in favour of applicants. On perusal of record, it appears that the applicants have filed the copies of transactions receipts. Wherein, it is mentioned that the accused had transferred the amount by deceiving the applicants. It appears that the said amount seized and freezed by Saswad Police Station. The FIR clears that there are 26 victims. However, there is no other claimant till today. The applications are

pending since long for order. Sufficient opportunity has been given awaiting other applications if any. It appears that, it is of no use to keep such amount seized, freezed in police custody till the trial is over. The amount is the valuable property. The evidence can be preserved by preparing a detail panchnama of custody given to applicants and by maintaining digital record of the same. If, the amount is kept idle, it will be loss to the economy, since the amount will not be in circulation in market and also there will be loss of interest to applicants. Under such circumstances, in my view, no good purpose will be served by keeping the amount in Police Station. Hence, the applicants are entitled for the interim custody of the seized amount. To the extent of objections raised by Ld. APP necessary conditions may be imposed. Hence, I pass the following order :-

### **ORDER**

1. The applications Exh. 18 and 24 in R.C.C No. 468/2025 are allowed.
2. The application Criminal M.A. No. 115/2025 is allowed.
3. The investigating officer is directed to handover interim custody of Rs. 1,50,000/- to applicant Dipali Shashikant Ghodake, on execution of bond of Rs. 1,50,000/-. Interim custody of Rs. 3,50,000/- be hand over to applicant Suresh Anna Pisal, on execution of bond of Rs. 3,50,000/- and interim custody of Rs. 3,50,000/- be hand over to applicant Sushma Rajeshkumar Mund, on execution of bond of Rs. 3,50,000/-.
3. The applicants shall undertake not to use the cash for any illegal purpose.
4. Investigating Officer shall before handing over the possession of Rs. 8,50,000/-, detailed panchnama of it be prepared and three to four photographs of cash with numbers on each note and produce the same alongwith receipt, negative if any with the charge-sheet.

5. Applicants are directed to execute the bond before concerning police station. PSO shall report the compliance.
6. Letter be issued to concerning police station accordingly.

Saswad  
Date:- 09/03/2026

(Mrs. S. K. Deshmukh)  
J.M.F.C. Saswad