	Cri.M.A.No.101/2026
	Mandip Kumar Vs. State Of Maharastra
	CNR: MHPU200010212026

ORDER BELOW EXH.1
(Passed on 03/07/2026)

The present application has been filed under Section 503 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, "the BNSS") seeking defreezing and release of the amount withheld by the Cyber Police in the applicant's bank account.

2. It is the contention of the applicant that he became a victim of an online financial fraud, pursuant to which an amount of Rs.64,498/- was fraudulently withdrawn from his bank account maintained with Union Bank of India, Gheghata Branch, District Bihar. Immediately upon discovering the fraudulent transaction, the applicant lodged a complaint with the National Cyber Crime Reporting Portal, which came to be registered vide Acknowledgment No. 31904260070102.

3. It is further contended that during the course of investigation, the Cyber Crime authorities traced the defrauded amount and, upon inquiry by Shirur Police Station, directed that the amount of Rs.64,498/- be withheld/frozen. The applicant was duly informed through a message that the said amount had been secured by the investigating agency. According to the applicant, the withheld amount belongs to him and is urgently required for meeting his day-to-day expenses and other essential needs. It is, therefore, prayed that the amount withheld by the Cyber Police be defrozen and released by transferring the same to the applicant's bank account, subject to such terms and conditions as this Court may deem fit. Hence, the present application.

4. The Ld.A.P.P. opposed the application by filing a written say. It is contended that the applicant has not produced the relevant bank account statements to substantiate his claim. It is further submitted that the withheld amount constitutes material evidence in the course of investigation into the cyber crime and, therefore, the application deserves to be rejected.

5. The Investigating Officer has also filed his say. It is stated therein that an amount of Rs.64,498/-, representing the proceeds of the alleged online fraud, has been withheld in various bank accounts during the course of investigation. However, the Investigating Officer has specifically stated that he has no objection if the said amount is released and transferred to the applicant, subject to appropriate terms and conditions as may be imposed by this Court.

6. I have carefully considered the rival submissions and perused the material placed on record. It appears that the applicant lodged a complaint on the National Cyber Crime Reporting Portal, which was registered vide Acknowledgment No. 31904260070102, alleging that an amount of Rs.64,498/- had been fraudulently withdrawn from his bank account. Prima facie, the applicant is the victim of the alleged online financial fraud,

7. The record further reveals that, during the course of investigation, the aforesaid amount was traced and withheld in various bank accounts. The applicant has sought release of the withheld amount by transferring the same to his bank account. Significantly, no third person has approached this Court claiming any right, title or interest over the said amount. The principal objection raised by the learned Assistant Public Prosecutor is that the applicant has not produced the statements or passbooks of the concerned bank accounts. In this regard, it is pertinent to note that the Investigating Officer, in his written say, has not disputed the applicant's claim. On the contrary, he has specifically stated that IndusInd Bank Account Nos. 258017486672 and 259004268125 belong to the applicant. Once the ownership of the said accounts is admitted by the Investigating Officer, mere non-production of the passbooks or account statements cannot be treated as fatal to the applicant's claim.

8. Moreover, the Investigating Officer has expressly conveyed that he has no objection to the release of the withheld amount in favour of the applicant, subject to appropriate safeguards. In these circumstances, and having regard to the fact that the applicant is the victim of the alleged fraud, that no rival claimant has come forward, and that the Investigating Officer has raised no objection to the release of the amount, this Court is of the considered opinion that the withheld amount of Rs.64,498/- deserves to be released in favour of the applicant on appropriate terms and conditions to safeguard the interest of the investigation. Hence, the following order:

O R D E R

1. The application is allowed.

2. The seized amount of Rs.64,498/- is withhold in following bank accounts-

Sr. No.	Name of the bank	Account No. Of the bank in which the said amount freezed	Freezed amount
1.	IndusInd Bank	258017486672	Rs.39,799/-

2.	IndusInd Bank	259004268125	Rs.24,699/-
		Total	Rs.64,498/-

be handed over to the applicant namely **Mandip Dinesh Kumar** in his bank account No.768302010009826 of Union Bank of India, Branch Gheghata, Bihar after verifying his identity on the following conditions -

i. The applicant shall furnish the bond of Rs.65,000/- (Rupees Sixty Five Thousand Only).

ii. The applicant shall under take that he shall reimburse or refund the amount if in future he would found not entitled for said amount.

iii. The applicant shall produced the said amount as when required in the Court.

iv. The applicant shall inform to the Court regarding receipt of said amount.

v. Informed to the concerned Police Station.

TAMBOLI ASIF GULAMDASTGIR

Digitally signed by TAMBOLI ASIF GULAMDASTGIR
Date: 2026.07.03 16:41:07 +0530

(A. G. Tamboli)

Date : 03/07/2026

Judicial Magistrate First Class,
Ghodnadi (Shirur) Dist.Pune

CERTIFICATE

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Court	:-	**Shri. A. G. Tamboli** Judicial Magistrate First Class, Ghodnadi (Shirur) Dist. Pune
Name of the Steno	:-	Snehal S. Gade/ Kasbe
Date of Decision	:-	03/07/2026
Order signed by presiding officer	:-	03/07/2026
Order uploaded on	:-	03/07/2026