

MHRG090002152026

Cri. M. A. No.20/2026.
Gorakh Bind Vs. State**ORDER BELOW EXH.01.**

This application is filed for getting Rs. 23019/- (hereinafter for short referred to as the frozen amount) which is frozen or kept hold by Nagothane Police Station in connection with Online fraud Complaint bearing No.31902260024868, on the ground that applicant requires the frozen amount.

2. Investigating Officer has filed his say at **Exh. 06** whereby he has given no objection to give frozen amount to the applicant. Learned APP has filed his say and prayed to pass necessary order.

3. The Hon'ble Supreme Court in **Sundarbhai Ambalal Desai V/s. State of Gujarat, 2002 (10) SCC 283** observed that 'the object and scheme of the various provision of the code appear to be that where the property which has been subject matter of an offence is seized by the police, it ought not to be retained in the custody of the court or of the police for anytime longer than what is absolutely necessary.

4. It is a complaint of the applicant that he fell pray to Online fraud and accordingly he lodged Online complaint. During investigation, frozen amount is kept hold by police. The applicant has filed copy of Online complaint and his bank statement wherein his frozen amount appears to be transferred to others. Further, Investigation Officer by filing his say at Exh.6 has confirmed his allegation made in the complaint. He has filed his no objection to give frozen amount to the applicant. Further, no one came before the court

to claim their right on frozen amount. Therefore, applicant is seen to be entitled for custody of the frozen amount. Considering nature of the offence, I do not find need to retain frozen amount.

5. Moreover, in view of aforementioned ratio of Apex Court, it is cleared that unless the seized property is absolutely necessary for inquiry or trial, Court cannot retain the same either in the custody of court or in the custody of police for any longer time. So far as interest and apprehension of prosecution is concerned, it can be safeguarded by imposing conditions. Hence, following order.

ORDER

1. The application is allowed.
2. Investigation Officer in Online Complaint bearing No.31902260024868 of Nagothane Police Station is directed to hand over **frozen amount of Rs. 23019/- (Rupees Twenty Three Thousand Nineteen only)** to the applicant till further order of the Court, by executing applicant's indemnity bond of Rs. 23019/-.
3. The applicant shall refund the frozen amount in the court as and when directed.
4. This proceeding be tagged along with Online Complaint bearing No.31902260024868 of Nagothane Police Station.
5. Investigation Officer to keep indemnity bond executed by the applicant with Online Complaint bearing No.31902260024868 of Nagothane Police Station.

Date : 12/03/2026.
Place : Roha

(S. V. Khaire)
Judicial Magistrate First Class,
Roha.