


MHSN110011952025 	Cri. M.A. No. 138/2025 Jayesh Bhimrao Sawant / State of Maharashtra
---	---

ORDER BELOW EXH. 1

This is an application filed by applicant **Jayesh Bhimrao Sawant** i.e. Applicant under Section 503 of the Bharatiy Nagarik Suraksha Sanhita. Perused the application and the documents filed along with it. The application is supported by the affidavit of the applicant. The applicant has requested to release the amount of Rs. 10,648/- which was debited from account of applicant Bank of India, Br. Kharsundi, Bank A/c No. 160210510007455 on 10/09/2025 to the account of Mijjamil Adil Patel.

2. Accordingly Say of I.O., APP and non-applicant was called upon. I.O. has filed Say and contended that, the amount of which the applicant was defrauded has been frozen. Furthermore, in accordance with the application submitted by the applicant, there is no objection to releasing the said amount to him. Learned A.PP. filed her say and contended that since the bank has not been impleaded as a party to the application, the said application should be rejected.

3. Considering the facts that, the amount of Rs. 10,648/- is hold/frozen in the bank account. The applicant

has filed the documents such as cyber complaint, statement of account of applicant and Aadhar Card. On perusal of account statement of applicant, it is seen from the entry dated 10/09/2025 the amount of Rs. 10,648/- was hold by concerned banks. The same entry details could be seen in the online complaint copy filed by the complainant. No purpose would be served by keeping the amount hold in the bank account.

4. In the case of **Sunderbhai Ambalal Desai v. State of Gujarat [(2002) 10 SCC 283]**, the Hon'ble Supreme Court held that :-

“In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time.”

5. On perusal of record and proceeding it shows that, even though Investigating Officer and learned A.P.P. have resisted present application, there is no justifiable ground to reject this application. Apart from this, seized amount is in custody of police station/Bank of Baroda and State Bank of India for sufficient period. Therefore, in view of the decision of the Hon'ble Supreme Court in the case of

Sunderbhai (Supra) and above facts and circumstances it shows that, it is of no use to keep seized amount at the police station/Banks for a long period. Hence, it would be just and proper to grant custody of the seized amount to the applicant by imposing certain conditions as follows :-

ORDER

1. Application is allowed.
2. The Bank of Baroda (including Vijaya Bank Daina Bank) and State Bank of India are directed to refund the amount of Rs. 9998/- and 650/- respectively which is frozen/hold with their bank account No. 45810200000626 and xxxxxx6627 to the applicant's Bank of India, Br. Kharsundi, Bank A/c No. 160210510007455.
3. I.O is directed to communicate this order to the concerned officials of the bank and get complied the order as soon as possible and report the same to this Court.
4. The banks are directed to co-operate with the I.O. for compliance of this order.
5. Applicant to execute the indemnity bond of Rs. 11,000/-.
6. The I.O is directed to submit the concerned documents in regard of receipt of amount to the

applicant at the time of filing charge-sheet, if
any.

(Dictated and pronounced in the Open Court)

Atpadi.

Date : 16/03/2026

(R. B. Kulkarni)

Judicial Magistrate First Class,
Atpadi
