

MHTH170003012026



ORDER BELOW EXH.1 IN O. M. A. NO. 35/2026
(Pratik Ramchandra Patil Vs. Cyber Police Station, Palghar)

01. This is an application under section 503 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (in short 'the B.N.S.S.'). The applicant has prayed for handing over interim custody of Rs. 27,000/- seized in connection Cyber acknowledgment No. 31901260011316.

02. In short, applicant case is that, he is having his bank account No. 004901506072 maintained with ICIC Bank, Branch Palghar. Online fraud of Rs. 27,000/- is committed in his account. Therefore, the applicant had lodged complaint in connection with Cyber acknowledgment No. 31901260011316. During investigation of said crime, it reveals that applicant amount of Rs. 27,000/- is transferred in various bank accounts. Therefore, investigating officer has freezed said accounts. Applicant amount of Rs. 27,000/- is laying in said accounts. The applicant is owner of said amount. The applicant is in need of said amount. The applicant is ready to abide each and every condition imposed upon him. Hence, the applicant prayed to hand over the amount in his interim custody of said amount and prayed to direct the investigation officer to transfer said amount in the account of the applicant.

03. Investigation officer has filed say and contended that proper order be passed for return of the amount to the applicant and learned A. P. P. submitted that the say and this application is rejected.

04. Read the application, say filed by learned A. P. P. for the State. Heard both the sides. He further submitted that, Investigating Officer not objected to application. In view of that he prayed for appropriate order.

05. Heard learned counsel for the applicant and learned A. P. P. for the State.

06. Perused the record. The applicant has filed on record copy of FIR, copy of applicant Aadhar Card, Bank Statement, copy of FIR, copy of details about debited amount. On considering all said documents it appears that, the applicant is owner of said amount. She has lodged report in respect of said amount.

07. Undisputedly accounts in which the amount which were transferred by cheating are freezed account No. 918020110872063 maintained with Axis Bank, amount of Rs. 27,000/- and same is laying in said account. Record shows that, the applicant is owner of the said amount. Except the applicant, nobody has claimed the interim custody of the said amount. Therefore, the applicant is entitled for interim custody of seized amount. In such circumstance, the application deserves to be allowed with certain conditions. In the result, I pass following order :-

ORDER

01. The application is partly allowed.

02. The Officer-in-Charge of Cyber Police Station, Palghar is hereby directed to hand over / transfer interim custody of Rs. 27,000/- frozen in account accused in account No. 918020110872063 maintained with Axis Bank, by vacating all prior notices associate with the aforementioned accounts seized in connection with Cyber acknowledgment No. 31901260011316, Cyber Police Station, Palghar belonging to the applicant back account No. 004901506072 maintained with ICIC Bank, Branch Palghar, subject to the applicant tendering a bond for an amount equivalent in the value of the muddemal or Rs. 27,000/- on stamp paper of Rs. 500/- and to transfer the said amount in the account of the applicant.

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03. The investigating officer is directed to prepare a panchanama and photographs and file same along with final report.
04. The applicant to filed undertaking that he will deposit the amount as and when directed by this Court.

Place :- Palghar
Date :- 23.03.2026.

(Sujata R. Bandal)
Judicial Magistrate First Class,
Palghar.