Order Below Application to release Muddamal u/s.497 & 503 of B.N.N.S.

1. The present application has been filed by the Applicant under Section 497 & 503 of the B.N.S.S. in their application he has stated that, the Applicant is victim of Cyber Fraud and as and when the applicant came to know about the fraud which has been occurred with the applicant, the applicant immediately taken help of Cyber Crime Unit and the amount which was transferred from his/her account was freezed by the Cyber Crime Unit. Therefore, the Applicant has prayed before this Court to release the amount which has been freezed. The details of the Applicant are as under:

NAME	Dhruv Bhratbhai Padsala
BANK DETAILS	BANK NAME: State Bank of India A/C NO. 36132084292 IFSC : SBIN0060249
AMOUNT (CHEATED)	Rs.66020/-
BANK DETAILS OF SUSPICIOUS PERSON	(1) BANK NAME: Bank of Maharashtra A/C NO. 25052710323 (2) BANK NAME: Bank of Baroda (including Vijaya Bank and Dena Bank) A/C NO. 67210100004832 (3) BANK NAME: HDFC Bank A/C NO. 50200083193884 (4) BANK NAME: HDFC Bank A/C NO. 50200020196524
FREEZED AMOUNT	125+3847+6138+45895=

SR. NO.	DATE OF COMPLAINT	TICKET / COMPLAINT NO.
1	29.04.2026	31104260095742

OPINION:

2. The Opinion of Dy. Superintendent of Police, State Cyber Crime Cell, CID Crime, Gandhinagar was called for by the Investigating Officer of concerned Police Station. He has opined that on the complaint of the complainant, amount was freezed in suspicious from the Bank Account. Further, he has no objection if the amount may be returned to the applicant, as per the condition of the Hon'ble Court.

3. I have perused the papers. It reveals that there is no FIR has been lodged and no one is arrested. Further, since long, no one has come and claimed the freezed amount except the applicant. Further, the Investigating Officer has no objection if the freezed amount will be returned to the applicant.

4. At this stage, it is required to consider provision of Section-497, which reads as under.

497.Procedure by police upon seizure of Property.

(1) Whenever the seizure of property by any police officer is reported to a Magistrate Under the Provisions of this code, and such Property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession there of, of such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shalll, in such case, issue a proclamation specifying the articles of which such property consists, and requiring and person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such Proclamation.

5. So, this section is very clear that the Magistrate is empowered to release the property which has been seized by the Police Officer during investigation under Section 106 (1) B.N.S.S. As discussed above, there is no F.I.R. has been lodged and since long nobody claim the freezed amount except the present applicant. In that circumstances, there is no need to keep the freezed amount into the above bank. Further, as per the ratio laid down by the Hon'ble Supreme Court in the case of Sunderbhai Ambalal Desai Vs. State of Gujarat, 2003(1) G.L.H. 307. In the interest of justice, I pass the following order.

:: O R D E R ::

- The present application is hereby allowed.

- The Applicant shall provide surety/bond of one and half time amount which were freezed by the Cyber Crime Unit before concerned police station and Investigation Officer is directed to release the amount as interim custody in the Bank of Applicant.

- Further, after depositing the surety/bond amount by the applicant before the concerned Police Station, the Police Officer is directed to inform the bank about the said order. The said bank **i.e. Opponent Bank,** are directed to transfer the Freezed Amount in the Account of Applicant within the 10 days and inform the Concerned Court as well as the Police Station accordingly.

Condition:

- The applicant shall file undertaking that if the freezed money claim in future, he shall deposit the amount.

Signed & pronounced today on 11th day of July, 2026 in National Lok Adalat.

Dt: 11.07.2026
Ahmedabad

[G. T. SOLANKI]
10th Addl. Sr. Civil Judge & ACJM,
Ahmedabad (Rural), At-Navrangpura.
UID No.GJ01292

N.B.Bhavsar