MHTH030125952026	**Order Below Exh. 01 in Cri. Misc. Appln. No. 1571/2026** **Shri. Dayashankar Ramnayan Singh** **Vs.** **State of Maharashtra** (Passed On 01st day of July, 2026)

This is an application filed by the applicant for release/refund of frozen amount in her account bearing account no. 320102010037955 maintained by him in Union Bank of India, which was frozen by the Cyber Crime Department, Chitalsar Manpada Police Station, Thane, in the Complaint Acknowledgment No. 31903260059119.

2. Perused the application and the documents filed along with it. The present application is supported by an affidavit of applicant.

3. In this regard, Say of I.O. and Ld. APP was called. The Ld. APP has filed her say on the overleaf of this application. She contended that said amount was frozen during the investigation of crime. Therefore, subject to the verification of the requisite documents, she prayed that the present application be allowed.

4. The Investigating Officer has filed his say at Exh. 04. He submitted that the contents of the present application are true and correct. A cyber fraud of Rs. 18,000/- was committed against the applicant in respect of which he had filed a complaint on 18/03/2026. Out of the said amount, an amount of Rs. 17,300/- was frozen by the police. Therefore, he stated that he has no objection to de-freeze the said amount which is in the bank accounts of accused.

5. The applicant alleged that on 18/03/2026, a financial fraud of Rs. 18,000/- was committed against him. Out of the said amount, an amount of Rs. 17,300/-, which are lying in the bank

accounts of accused was frozen by the police. The account number, bank name and the amount frozen are as mentioned below:

Sr. No.	Bank Name of where amount is frozen	Account No.	Amount put on hold in Rs.
1	SBI Bank	32401488971	1808.19/-
2	Axis Bank	5717531808	7789.81/-
3	SBI Bank	35196289441	7000/-
	Total Rs.		**16598/-**

6. The applicant in support of his submission has filed photocopy of cyber crime incident details, copy of bank statement, and copy of Aadhaar Card of applicant. (Exh. 3).

7. As the accused is unknown, his/her say was not called.

8. This is an application under section 503 of BNSS for return/refund of cash amount which was frozen by the police. In this regard, the Hon'ble Apex Court in **Sundarbhai Ambalal Desai V/s. State of Gujarat-(2002 (10) SCC 283), wherein it is observed as under : -**

"The object and scheme of various provisions of the Code appear to be that, where the property which has been the 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 any time longer than what is absolutely necessary".

9. In view of the ratio laid down by Hon'ble Apex Court, it is necessary to pass appropriate property order according to law. From the documents filed on the record, say of Investigating Officer, it appears that an amount of Rs. 17,300/-, lying in the accounts of accused as mentioned in his say, was frozen by Cybercrime Department, Chitalsar Manpada Police Station, Thane, in the Complaint Acknowledgment No. 31903260059119.

10. At present, the said amount is lying in the said account without any futile purpose. F.I.R./Complaint is registered at the instance of present applicant Shri. Dayashankar Ramnayan Singh. It seems that, there is an allegation of online fraud of Rs. 18,000/- committed by unknown accused. Out of the said amount, an amount of Rs. 17,300/-, was frozen by the police. The accused is not yet traced out. Till today, nobody except the applicant came before this Court to claim the frozen amount. The seized property is valuable one and it will not be proper to keep the same for indefinite period. The Investigating Officer has no objection to return/refund the amount of Rs. 17,300/-. In the present crime, investigation is yet to be completed and no purpose would be served by freezing the seized amount in the bank. Hence, I am of the view that bank accounts of accused can be defreezed for the purpose of return/refund of amount of Rs. 17,300/- to the applicant, if not required to be frozen in other offences or by the order of any Court/authority. Hence, it will be proper to return frozen amount Rs. 17,300/- in account of the applicant, as prayed by imposing reasonable terms and conditions. Resultantly, I pass following order ;

ORDER

1.	The application i.e. Cri. Misc. Application No. 1571/2026 is allowed.
2.	The frozen amount to the extent of amount of Rs. 17,300/- (Rupees Seventeen Thousand, and Three Hundred Only) lying in the bank accounts of accused is hereby defreezed, if not required to be frozen in other offences or by the order of any Court/ authority.
3.	The amount of Rs. 17,300/- (Rupees Seventeen Thousand, and Three Hundred Only) be transferred in the account of the applicant having Account number 320102010037955 in Union Bank of India, Kapurbavadi Branch, Thane, having IFSC Code- UBIN0532011 till the conclusion of the trial on him executing indemnity bond of **Rs. 17,300/- (Rupees Seventeen Thousand and Three Hundred Only)** on following terms and conditions :-

a)	The applicant shall not create dispute in respect of identification of amount during trial.
b)	The applicant shall produce the seized amount as and when called by this court, Appellate Court or Revision Court.
3.	The applicant shall execute Indemnity Bond before the concerned Investigating Officer.
4.	The Investigating Officer is directed to prepare detailed panchnama of transfer of amount in the applicant's Bank account.
5.	The Investigating Officer is directed to submit Indemnity Bond and panchanama along with charge sheet of Complaint Acknowledgment No. 31903260059119.
6.	The Senior Inspector of Cyber Crime Department, Chitalsar Manpada Police Station, Thane, shall inform the Branch Manager of the banks where the amount is frozen, accordingly.
7.	Issue letter to Cyber Crime Department, Chitalsar Manpada Police Station, Thane, accordingly.

HONEY MUKESH PATEL
Order
Digitally signed by HONEY MUKESH PATEL
Date: 2026.07.01 17:52:02 +0530

Thane
Date. 01/07/2026

(H. M. Patel)
Judicial Magistrate First Class,
Court No.08, Thane.