IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1334 OF 2026

Anilkumar Manoharlal Aggarwal … Petitioner

V/s.

State of Maharashtra …. Respondent

Mr. Niranjan Mundargi i/by Mr. Kunal D. Ambulkar, for the Petitioner.

Ms. M. R. Tidke, APP for the Respondent-State.

PRACHI PRANESH NANDIWADEKAR
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Date: 2026.10.15 11:11:12 +0530

CORAM : MADHAV J. JAMDAR, J.

DATED : 14 OCTOBER 2026

P. C. :-

1. By this Writ Petition filed under Article 226 of the Constitution of India, the challenge is to the legality and validity of the order dated 23rd September, 2025 passed by the learned Judicial Magistrate, First Class (JMFC), 18th Court, Girgaon, Mumbai in C.C. No.798/MISC/2025 as also the order dated 10th February, 2026 passed by the learned Additional Sessions Judge, Sessions Court, Mazgaon, Greater Mumbai in Criminal Revision Application No.819 of 2025.

2. By an impugned order dated 23rd September 2025, an Application filed by the present Petitioner under Section 503 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for return of the property @ seized amount of Rs.1,12,00,000/- has been rejected. The Revisional Court by order dated 10th February 2026 has confirmed the said order.

3. Perusal of the record shows that the Petitioner has invested a total amount of Rs. 4,12,35,106/- through a Mobile Application named "C R TRADE" which was received to him on his Facebook account. However, he failed to withdraw the amount through this channel and, therefore, lodged an F.I.R. bearing C. R. No. 90 of 2025 under Sections 318(4), 319(2), 61(2), 66(C) read with 66(D) of the Information Technology Act, 2000. In the same crime, the investigation officer had freezed Rs.1,07,90,669/- in various bank accounts. However the applicant incorrectly assumed that the total amount seized is Rs. 1,12,00,000/- and therefore by filing application has prayed to transfer the said amount of Rs.1,12,00,000/- to his bank account on supurdnama and also stated that he is ready to abide by the conditions imposed by the Court. As already noted, the said application has been rejected by

the impugned order dated 23rd September, 2025 and the same has been confirmed in revision by the impugned order dated 10th February, 2026.

4. Mr. Mundargi, learned counsel appearing for the Petitioner has pointed out the second report dated 22nd September, 2025, which has been annexed from pages 80 to 115. In the said report which has been filed by the Police Inspector, South Division, Cyber Police Station, CB, CID, Mumbai, it has been stated that in the subject crime, the complainant- Anilkumar Manoharlal Aggarwal i.e. the present Petitioner has been cheated by the fraudsters by forcing him to transfer the Rs.4,12,35,106/- from his bank account to many different bank accounts by misusing the internet.

5. During the course of investigation, the complaint on NCCR Portal was registered. The police have frozen the bank accounts involved in the offence and generated the money trail. In the said report, it is revealed that the account holders whose details are set out in the said report have received money from illegal betting/illegal trading platforms. It has been stated that therefore, various amounts in various accounts as mentioned in the said report has been put on hold by the NCCR Portal. Further, it has

been stated that in the emails received from account holders, it is specifically stated that they have received this money from betting sites or illegal trading sites.

6. In the said detailed report, it has been stated that the police have no objection to return the above mentioned freezed amount to the Petitioner i.e. the Complainant-Anilkumar Manoharlal Aggarwal. The said report dated 22nd September 2025 clearly shows that the said amount of Rs.1,07,90,669.21 is part of the said amount of Rs.4,12,35,106/- for which the Petitioner has been cheated by the fraudsters.

7. Mr. Mundargi, learned counsel for the Petitioner states that Petitioner will execute necessary bond and will also submit undertaking in this Court as also before the learned JMFC, to bring back the said amount if directed by the Court.

8. Accordingly, the Writ Petition is disposed of by passing following order :-

(i) The order dated 23rd September 2025 passed by the learned JMFC in CC No.798/MISC/2025 as also order dated 10th February 2026 passed by the learned Additional Sessions Judge, Sessions Court, Mazgaon, Greater Mumbai in Criminal Revision Application No. 819 of 2025 are quashed and set aside and said Application

bearing CC No.798/MISC/2025 is allowed to the extent of Rs.1,07,90,669.21 as more particularly set out in the report dated 22nd September 2025 submitted by the Police Inspector, South Division, Cyber Police Station, CB, CID, Mumbai (pages 80 to 115) on the condition that the Petitioner to submit undertaking in this Court as also in court of learned JMFC undertaking to bring back the said amount with interest, if any, if directed by the court. The Petitioner also to submit appopriate bond before learned JMFC. The said undertaking and bond is directed to be submitted as indicated within a period of two weeks from today.

9. Accordingly, the Writ Petition is disposed of.

[MADHAV J. JAMDAR, J.]