IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1655 OF 2026

Pankaja Sudhir Shah …Applicant

Versus

The State of Maharashtra …Respondent

Mr. Prashant Pawar a/w. Mr. Rahil Shah and Ms. Yuga Kane, for the Applicant.
Mrs. M. R. Tidke, APP, for the Respondent-State.
Mr. Ishan Kharote, API, South Cyber Police Station, Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 6th OCTOBER 2026

PC:-

1. Heard Mr. Pawar, learned Counsel appearing for the Applicant and Mrs. Tidke, learned APP appearing for the Respondent-State.

2. By this Criminal Application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**"), the Applicant is challenging the legality and validity of the order dated 5th August 2026 passed by the learned Judicial Magistrate (First Class), 18th Court, Girgaon, Mumbai in C.C. No.241/MISC/2026 (408/PW/2026).

3. Mr. Pawar, learned Counsel appearing for the Applicant states that the Applicant is a victim of cyber fraud and an amount of Rs.1,14,53,960/- is the amount, which is transferred from the account of the Applicant. He submits that in fact, the State has given No Objection for return of the said amount of Rs.50,12,833.59 recovered by the State.

4. Mrs. Tidke, learned APP also supports the contention raised by the learned Counsel appearing for the Applicant. She submits that total amount which is the subject matter of the crime is Rs.1,14,53,960/- and out of that amount Rs.50,12,833.59 has been recovered during investigation.

5. As per the prosecution case, the Applicant had received a link on mobile and after opening the said link, she had been added in a WhatsAPP group. She invested total amount of Rs.1,14,53,960/- in share market vide online transaction as per the say of the Admin of the said WhatsAPP group. It is the case of the Applicant that in fact, the same is cyber crime and she has lost said amount of Rs.1,14,53,960/- in the said cyber crime out of which,

said amount of Rs.50,12,833.59 has been recovered by the Investigating Machinery.

6. Mrs. Tidke, learned APP tenders a report dated 6th October 2026 of the Senior Police Inspector, South Division Cyber Police Station, CB, CID, Mumbai. The said report is taken on record and marked 'X' for identification.

7. In the said report *inter alia* it is stated that during the period from 24th July 2025 to 5th February 2026, online fraudsters operating through mobile numbers set out in the said report contacted the Applicant and induced her into share, commodity and gold market trading. By conspiring together, they sent links to a Telegram Channel names "Capplace.com", a bot named "CapPlace_Account_Manager_bot", and websites like link.capplace.com and www.investing.com. They displayed fake profits on a fradulent application to simulate a genuine trading environment. Lured by the prospect of high returns, the Applicant was deceived into transferring a total amount of Rs.1,14,53,960/- into various fraudulent bank accounts provided by the accused. During the course of the investigation, a swift technical analysis

was conducted through the Central Government's Ministry of Home Affairs (MHA) 1930 National Cybercrime Portal. Based on the transaction Ids, a total amount of Rs.50,12,833.59 has been successfully placed on hold/lien across various beneficiary layers and bank accounts. The details of the same are set out in tabular form in the said report dated 6th October 2026. In the said report, the Senior Police Inspector has stated that the bank accounts which are mentioned at Serial Nos.1 to 16 of the said table have been used for cyber fraud and the Applicant's amount has been identified into the said bank account. It has been further stated that on the National Cyber Crime Reporting Portal, the said bank accounts have been reported multiple times. In the said report dated 6th October 2026, it is specifically stated that the police have no objection for returning amount to the Complainant.

8. Thus, it is clear that the Applicant has lost Rs.1,14,53,960/- through cyber crime and out of the said amount, an aggregate amount of Rs.50,12,833.59 has been successfully placed on hold/lien across various beneficiary layers and bank accounts. The said amount is available with the investigating machinery. During investigation the said amount of Rs.50,12,833.59 was seized. Thus,

there is no impediment in granting the application filed by the Applicant before the learned Trial Court seeking return of the said property under Section 503 of the BNSS by de-freezing the said account *inter alia* of the Applicant.

9. Accordingly, the impugned order dated 5th August 2026 passed by the learned Judicial Magistrate (First Class), 18th Court, Girgaon, Mumbai, in C.C. No.241/MISC/2026 (408/PW/2026) is quashed and set aside and the said Miscellaneous Application No.241 of 2026 is allowed in terms of prayer clause (a) of that Application, which read as under:

> "*(a) The Applicant prays to direct the Branch Managers of the bank accounts and their respective branches as mentioned above and specifically mention to de-freeze the accounts and transfer the amounts as stated therein to the account of the Applicant.*"

10. The said Miscellaneous Application is allowed on the condition that the Applicant shall execute necessary Indemnity Bond within a period of two weeks and thereafter, only the said amount is to be transferred in the account of the Applicant.

11. Accordingly, the Criminal Application is disposed of in above terms.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

Digitally signed by SONALI MILIND PATIL
Date: 2026.10.06 19:07:31 +0530