IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.14124/2026)

AMIR AHMAD KHAN **APPELLANT(S)**

VERSUS

STATE OF U.P. **RESPONDENT(S)**

ORDER

1. Leave granted.

2. We have heard learned counsel for the appellant and learned counsel for the respondent-State of Uttar Pradesh.

3. Appellant is aggrieved by the 2nd condition imposed by the Chief Judicial Magistrate, Mirzapur, Uttar Pradesh vide order dated 28.07.2025 in Case No.07/2024, as affirmed vide the impugned order dated 03.07.2026 by the High Court of Judicature at Allahabad (briefly 'the High Court' hereinafter).

4. Appellant is the victim of a cyber fraud, pursuant to which he lodged FIR leading to registration of Case Crime No.07/2024 under Sections 419 and 420 of the Indian Penal Code, 1860 (for short, 'IPC') read with Section 66D of the Information Technology Act, 2000.

5. Following investigation, a report was submitted by the In-charge Inspector, Cyber Crime Police Station, Mirzapur before the Chief Judicial Magistrate on 24.02.2025 regarding the amount frozen in banks in

Signature Not Verified
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Date: 2026.11.17 17:58:29 IST
Reason:

connection with the aforesaid case. It was mentioned that during investigation, it came to light that funds were transferred through the account numbers mentioned in the report, some of which were frozen by the concerned Banks. The In-charge Inspector stated that all the aforesaid accounts had been frozen under Section 102 of the Code of Criminal Procedure, 1973 (for short, 'CrPC'). However, having regard to the investigation carried out, it would be just and proper to release the said money in favour of the complainant (appellant herein).

6. Chief Judicial Magistrate, Mirzapur passed order dated 28.07.2025, after recording that a total of Rs.7,12,060/- has been frozen in the 23 bank accounts mentioned in the report directed release of the aforesaid amount of Rs.7,12,060/- to the account of the appellant, subject to the conditions that appellant should submit a personal bond of Rs.7,12,060/- and one security of the same amount.

7. When this was assailed by the appellant before the High Court, by the impugned order dated 03.07.2026, the High Court took the view that there was no need for any modification in the conditions imposed by the Chief Judicial Magistrate and accordingly, dismissed the application of the appellant.

8. After hearing learned counsel for the parties, we are of the view that non-release of the aforesaid amount in favour of the appellant, who is himself a victim of cyber

fraud, would result in causing further harassment to the appellant. We take note of the fact that appellant is aged about 80 years and at this stage, requiring him to furnish security of Rs.7,12,060/-, would not be just and proper. Such a condition would be harsh and oppressive.

9. We, accordingly, set aside the 2nd condition imposed by the Chief Judicial Magistrate, Mirzapur in the order dated 28.07.2025, and the impugned order dated 03.07.2026 passed by the High Court. We direct that the amount of Rs.7,12,060/- shall be released in favour of the appellant on furnishing of a Personal Bond of Rs.7,12,060/- by the appellant, within a period of two weeks from today.

10. Consequently, the Criminal Appeal is allowed.

11. Pending application(s), if any, shall stand disposed of.

……...J.

[UJJAL BHUYAN]

……...J.

[ATUL S. CHANDURKAR]

NEW DELHI;
16th NOVEMBER, 2026.
AK

ITEM NO.49 COURT NO.13 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 14124/2026

[Arising out of impugned final judgment and order dated 03-07-2026 in A528BNSS No. 22330/2026 passed by the High Court of Judicature at Allahabad]

AMIR AHMAD KHAN **Petitioner(s)**

VERSUS

STATE OF U.P. **Respondent(s)**

FOR ADMISSION
(IA No. 226362/2026 - EXEMPTION FROM FILING O.T.)

Date : 16-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Mr. Talha Abdul Rahman- 2467, AOR
Mr. Sudhanshu Tewari, Adv.
Mr. Faizan Ahmed, Adv.
Ms. Vibha Swaminathan, Adv.

For Respondent(s): Mrs. Rachna Gupta, AOR
Ms. Charu Singhal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The Criminal Appeal is allowed in terms of the signed order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR) **(CHETNA BALOONI)**
COURT MASTER (SH) **COURT MASTER (NSH)**