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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 168 OF 2015**

Smt. Kamla Harendra Pandya & Ors.

Applicants

Versus

Central Bureau of Investigation, BS & FC

Respondent

Mr. P.D. Purvey i/by Mr. S.H. Hulyalkar for the applicants.
Mr. Sandeep Shinde with Mr.Y.M. Nakhwa for CBI respondent no. 1.
Mr. Ajay Patil, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 23, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the petitioner, Union of India and learned A.P.P. for the State.

3. The applicants are aggrieved by the order passed by the Special Judge in Misc. Application No. 244 of 2014 on 22nd January, 2015 directing defreezing of certain accounts subject to furnishing one or more sureties of the value of Rs.7 lacs with CBI. The accounts were frozen by respondent no. 1 CBI during the course investigation of R.C. No. BSM 2014 E 006 Dated 14.07.2014 under sections 120-B read with sections 419, 420, 467, 468 and 471 of Indian Penal Code read with sections 13(2) and 13(1)(d) of Prevention

of Corruption Act, 1988.

4. The applicant no. 2 was working as General Manager of Dena bank and he is alleged to have committed fraud to the extent of more than Rs.200 Crores. There are some other accused who are charged for alleged conspiracy. The accounts were frozen by CBI because they believed that the amount lying in the accounts was part of misappropriated amount by applicant no.2 and other accused.

5. The chargesheet has been filed. As such it is to be finally decided whether this amount belong to the applicants or it is ill-gotten money. In the circumstances, I do not find any fault in the order of learned Special Judge and learned Special Judge was under an obligation to take necessary steps to secure the amount. It may be noted here that if the amount is finally found to be ill-gotten money, the Judge has powers to confiscate the same. It was therefore, necessary for him to secure the amount. There is no substance in criminal application and the same is dismissed.

(JUDGE)