

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

Crl.O.P No.13743 of 2015

1. S.Varadhan
2. V.Valli
3. C.Karthick
4. C.Sambavi

.. Petitioners

Vs.

State by
Inspector of Police
CBI/ACB/Chennai

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to defreeze the petitioners/ bank accounts more fully given in the schedule which have been frozen in pursuance of the respondent prohibitory order in connection with the case in FIR No.RC MA1 A0014/2015 on the file of CBI/ACB/Chennai.

For Petitioners : Mr.R.Rajasekaran

For Respondent : Mr.K.Srinivasan,
Spl.Public Prosecutor

ORDER

This Criminal Original Petition has been filed under section 482 of Code of Criminal Procedure, 1973 praying to defreeze the bank accounts of the petitioners, which have been more fully described in the schedule herein.

2. It is averred in the petition that the first petitioner is the father-in-law of the accused by name Chandrasekar, who has been arrayed as first accused. The second petitioner and the remaining petitioners are nothing but, wife, son and daughter of the first accused. Each petitioner is having separate accounts and the amounts deposited therein are their separate properties and they have no connection whatsoever with the first accused, but the respondent has registered a case against the first accused and others in FIR No.RC MA1 A0014/2015 and unfortunately, defreezed the accounts of the petitioners and under the said circumstances, present petition has been filed for getting the relief sought therein.

3. The learned counsel appearing for the petitioners has made an endorsement to the effect that the relief sought in respect of petitioners 2 to 4 is not pressed.

4. The learned counsel appearing for the petitioners has also contended that the first petitioner is an approved P.W.D Contractor and out of his own earnings, he deposited all the amounts mentioned in the petition and under the said circumstances, relief sought for in the petition can be granted in respect of the first petitioner.

5. Per contra, learned Special Public Prosecutor has contended that the first petitioner is the father-in-law of the first accused and against him, a case has been registered in FIR No.RC MA1 A0014/2015 by way of stating that he has acquired wealth disproportionate to his regular income and diverted the same in the names of the petitioners and therefore, the relief sought for in the present petition cannot be granted.

6. Considering the fact that the relief sought for in respect of petitioners 2 to 4 has not been pressed and also considering that with regard to the first petitioner, sufficient documents have been filed so as to prove that he is doing contractual work, this Court is of the view to defreeze the accounts, which stand in the name of the first petitioner, subject to the following conditions:

In fine, this Criminal Original Petition is allowed in part. The accounts standing in the name of the first petitioner are alone defreezed. The first petitioner should give a bank guarantee to the tune of Rs.40,00,000/- (Rupees Forty Lakhs only) to the satisfaction of Principal Judge for CBI Cases, Chennai.

Sd/-
Asst.Registrar (J)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

ajr

To

1. Principal Judge for CBI Cases, Chennai.
2. Inspector of Police, CBI/ACB/Chennai
- 3.The Public Prosecutor, High Court, Madras.

+1 cc to B.R.Rajasekaran, Advocate, sr.52083

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