

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 2552 OF 2015

Rajesh V. Singh	...	Petitioner
V/s.		
The State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 2553 OF 2015

Thakur Educational Trust	...	Petitioner
V/s.		
The State of Maharashtra & anr.	...	Respondents

WITH
WRIT PETITION NO. 2554 OF 2015

M/s. Kopotra Builders	...	Petitioner
V/s.		
The State of Maharashtra & anr.	...	Respondents

Mr. Nitin Pradhan i/b. S.D. Khot for the petitioners.

Mr. S.K. Shinde for respondent no.2.
Mrs. M.M. Deshmukh, APP for the State.

**CORAM : NARESH H. PATIL AND
P.D. NAIK, JJ.**

7th June, 2016.

P.C.

Heard by consent of the parties.

2. By an order dated 20th December, 2015 the Inspector of Police, CBI, Mumbai seized bank accounts of the petitioner under Section 102 of the Criminal Procedure Code, 1973. The account numbers and names of holders are described on page 115 of Writ Petition No.2554

Sr. No.	Account/Locker/Share etc.	Name of the Holder
1	3985000100000010..	Virendra Kumar S Singh
2	3985000100000110..	Rajesh V. Singh
3	3985000100000190..	Thakur Education Trust

3. Learned Counsel appearing for the petitioners submits that in the facts appropriate orders need to be passed so that the petitioners could carry out their day-to-day transactions, business activities/trust activities by operating these accounts.

4. Learned Public Prosecutor Mr. Shinde has referred to the reply filed by K.P. Vinod Kumar, Inspector of Police, Central Bureau of Investigation. Learned Counsel submits that appropriate orders are

required to be passed in the facts for protecting the interest of the investigating agency.

5. We have perused the record, considered the submissions advanced. The Inspector of Police, CBI, Mumbai in his affidavit has prayed in the following terms:

“ Hence, in the interest of justice, it is most respectfully prayed that the amount lying in the Bank A/c. No. 3985000100000110 of Mr. Rajesh V. Singh with Punjab National Bank Kandiwali East Branch, Mumbai in question be defreezed subject to filing of an undertaking by the applicant that he will not withdraw any amount from the aforesaid bank account which was lying on the date of freezing for the purpose of investigation and further he provide a bank guarantee of Rs. 1,00,00,000/-.”

6. In the facts we direct the petitioner in Writ Petition No. 2552/15 and 2553/15 to submit appropriate undertaking to the Inspector, CBI, Mumbai within two weeks from today that the petitioner in Writ Petition No. 2552/15 will invest amount of Rs. One Crore and and the petitioner in Writ Petition No. 2553/15 will deposit Rs. 70 lacs in a fixed deposit scheme for initial period of one year, with automatic renewal clause until further orders, in the name of Registrar, Sessions Court, Greater Mumbai, the

fixed deposit receipt shall be deposited with the Registrar, Special Court/Sessions Court by filing appropriate application. On such deposit of fixed deposit receipts with the Registry, the petitioners in Writ Petition No. 2552/15 and 2553/15 shall be entitled to operate the account.

7. In writ petition no. 2554/15 the subject flat being under attachment of CBI, the same shall be continued to be attached. The petitioner shall not create any third party interest of whatsoever nature in respect of subject flat under attachment. On such condition the petitioner is permitted to operate the said account. The petitioner shall file undertaking in this court to the said effect.

8. With these observations and directions, the respective impugned orders are modified in the above stated terms. The petitions are accordingly disposed of.

(P.D. NAIK, J.)

(NARESH H. PATIL, J.)