

THE HONOURABLE SRI JUSTICE RAJA ELANGO

W.P.No.38953 of 2016

ORDER

This writ petition under Article 226 of Constitution of India is filed by petitioners seeking to declare the delay and inaction on the part of respondents 1 and 2 in communicating to the Andhra Bank, Egmore Branch, Chennai, for defreezing their accounts bearing Nos.117211100000636 and 117210100010837 respectively, even after filing the charge sheet in Cr.No.15 of 2016 on the file of CCS Police Station, Hyderabad, as illegal and arbitrary.

2. The main contention raised by learned counsel for petitioners is that though the petitioners were not arrayed as accused or witness in the charge sheet, the trial Court refused to defreeze their accounts on the ground that they approached the Court at a belated stage.

3. Respondent No.2 filed counter stating that during the course of investigation, the police froze the aforesaid accounts on the ground that they are closely related with the commission of offence by A1 during his fraudulent transaction with the complainant in the aforesaid crime. It is further stated that if the accounts are subjected to defreeze, it may cause prejudice to the de-facto complainant, who lost crores of rupees in the hands of the accused.

4. Learned counsel for petitioners submits that the petitioners are ready and willing to furnish security by way of immovable properties for the amounts lying in their accounts before the concerned Court.

5. Considering the facts and circumstances of the case and in view of the submission of learned counsel for petitioners, I deem it appropriate to direct the respondents to communicate the Andhra Bank, Egmore Branch, Chennai, for defreezing of petitioners' Account Nos.117211100000636 and

117210100010837 respectively, on each of them furnishing security by way of immovable properties for the amounts lying in their accounts to the satisfaction of the trial Court.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this petition shall stand closed.

19th December, 2016
sj

RAJA ELANGO, J

