IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2017

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.2539 of 2017

1. V.Rajendran
2. R.Jayalakshmi ... Petitioners

Vs

The Central Bureau of Investigation
(Anti-Corruption Branch),
Represented by the Superintendent of Police,
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.
(Crime No.RC.MA12016A0047 of 2016
-CBIACB/CHN) ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent herein to de-freeze petitioner's savings bank account No.6100202000610 in Syndicate Bank, Tiruvallur Branch and petitioner's wife's savings bank Account No.60432010002809 in Syndicate Bank, Kilpauk Branch in connection with criminal case initiated against the petitioners in Cr.No.RC MAI 2016 A 0047 of 2016 on the file of CBI, ACB, Chennai registered under section 120-B read with 420, 468, 471 and 409 of IPC and Section 3(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 on the file of the respondent herein.

For Petitioners : Mr.G.Purushothaman

For Respondent : Mr.K.Srinivasan
Spl. Public Prosecutor
for CBI cases

O R D E R

This petition is filed for direction to defreeze savings bank account No.6100202000610 in Syndicate Bank, Tiruvallur Branch and petitioner's wife's savings bank Account No.60432010002809 in Syndicate Bank, Kilpauk Branch.

2. The main contention of the petitioners is that the amounts in the credit of the above savings bank accounts are their personal money and no way connected with the crime. It is his further contention that in view of the freezing of the accounts, substantial needs of the petitioners are put in peril. Hence, prayed for defreezing of the accounts.

3. Whereas, it is the contention of the learned Special Public Prosecutor that the case has been registered as against the accused for alleged misappropriation of the amount to the tune of Rs.6,71,00,000/- and the investigation of the case is in the initial stage and the proceeds of the crime has to be investigated by the CBI. He further submitted that, the petitioner, despite the dismissal of the anticipatory bail petition, so far has not appeared before the CBI to give explanation about the amount which are in his savings bank account. Further, the learned Special Public Prosecutor fairly stated that if the petitioners are ready to establish the legitimacy of their accounts with proper documents, the CBI will definitely defreeze the accounts of the petitioners.

4. In view of the above submissions and having regard to the nature of the allegations and the crime registered as against the first petitioner under sections 120-B read with 420, 468, 471 and 409 of IPC and Section 3(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and even though the second petitioner has not been arrayed as an accused and since she happened to be wife of the petitioner, I am of the view that it is for the petitioners to give proper explanation before the respondent about the money lying in their accounts with proper documents and if the petitioners are able to establish their genuineness of the transactions with regard to the amount lying in their savings account, they are certainly entitled to defreeze their accounts.

5. With the above observations, this petition is disposed of. So far as salary account and subsistence allowance of the first petitioner are concerned, the same is directed to be defreezed for sustenance of the petitioners.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

The Superintendent of Police,
Central Bureau of Investigation
(Anti-Corruption Branch),
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to Mr.G.Purushothaman, Advocate, S.R.No.39799

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CS/12/06/17