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

CRIMINAL APPLICATION NO. 3 OF 2018

Maheshchandra Ramdulare Jaiswal

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Kocharekar i/b Mr. Randhir Kale for the applicant.
Mr. H. J. Dedhiya APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 21, 2018.

P.C.

Heard. Son of the present applicant is involved in crime no. 98 of 2016 for offence punishable under section 406, 420 r/w 34 of the Indian Penal Code in which he claimed to have received amount of Rs. 8 crores. Out of the said amount of 8 crores, 16 lakhs are deposited in SB account no. 408130100000005 maintained with Janata Sahakari Bank, Chembur Branch which is jointly operated by the applicant and his son who is an accused. This amount of Rs. 16 lakhs which is part of the amount illegally received in the crime

in question is withdrawn by the applicant.

2 The Investigating Officer, as a consequence, freezed the said account. Request for de-freezing is rejected vide the order impugned. The learned counsel for the applicant submits that since in the account in question, balance is below Rs. 16 lakhs, no fruitful purpose will be served by freezing the said account. As such, de-freezing needs to be ordered. He submits that indemnity bond will be executed.

3 Perusal of papers which are placed on record depicts that applicant utilized the amount involved in crime in question which was received by his son and deposited in the account in question. He appears to be a dealer of Government Oil Company. In the aforesaid background, the submission that against the indemnity bond, order of de-freezing of account be made is a unreasonable request. It is with an intention to secure the amount of Rs. 16 lakhs which is a subject matter of the crime, Investigating Officer has freezed the account. No interference is warranted. Application is

dismissed.

4 Liberty to the applicant to approach afresh, in case, if he is ready and willing to deposit amount of Rs. 16 lakhs which is received out of the commission of crime in question.

[NITIN W. SAMBRE, J.]