

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.10.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.21761 of 2018

- 1 S. Mukandchand Bothra
- 2 M. Gagan Bothra
- 3 M. Sandeep Bothra

..Petitioners

vs.

- 1 The State
represented by the Inspector of Police
Chit and Kanduvatti Team
Central Crime Branch
Team VII, Vepery, Chennai.
- 2 The Manager, IDBI Bank
T. Nagar Branch, Chennai 600 017.
- 3 The Manager, Dena Bank
Mint Street Branch, Chennai 600 079.
- 4 The Manager
Tamil Nadu State Apex Cooperative Bank
Opp. Hon'ble High Court
Parrys Branch, Chennai 600 001.
- 5 The Manager, Axis Bank
Vepery Branch, Chennai.

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to direct the respondents 2 to 5 to de-freeze the bank
accounts as mentioned in the schedule of the petition
mentioned below:

SCHEDULE

- a) IDBI BANK, T.Nagar Branch (A/c)

M. Gagan Bothra (0194102000016001)

M. Gagan Bothra (0194104000296014)

M. Sandeep Bothra (0194102000015996)

M. Sandeep Bothra (0194104000295994)

b) DENA BANK, Mint Street Branch (A/c)

M. Sandeep Bothra (006310029826)

M. Gagan Bothra (006310029840)

S. Mukanchand Bothra (HUF) (006310002408)

c) AXIS BANK, Vepery Branch (A/c)

M. Sandeep Bothra (915010018771741)

S. Mukanchand Bothra (915010030361137)

M. Gagan bothra (915010018845839)

d) TNSC BANK, Parrys Branch (A/c)

M. Gagan Bothra (709452034)

M. Sandeep Bothra (709527103)

For Petitioners : Mr. M. Gagan Bothra
Party in person
on behalf of all the petitioners

For R1 : Mrs. M. Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been preferred seeking to direct the respondents 2 to 5 to de-freeze the bank accounts as mentioned in the schedule of this petition.

2 On the complaint lodged by one J. Satish Kumar, the first respondent police registered a case in Cr. No.213 of 2017 for the offences under Sections 420, 465, 467, 468, 471 and 506(I) IPC and Sections 3 and 4 of the Prohibition of Charging

Exorbitant Interest Act read with Section 34 IPC, against the petitioners herein.

3 The de facto complainant, who is a film producer, has borrowed monies from the petitioners and the petitioners were charging exorbitant interest for the monies advanced by them. Hence, the complaint and the consequential FIR.

4 After the registration of the FIR, the petitioners were arrested and they have now been released on bail. During the course of investigation, the Investigating Officer has ordered freezing of the bank accounts of the petitioners mentioned in the schedule to this petition, for the purpose of

investigation. Hence, the petitioners are before this Court for de-freezing the said accounts.

5 Heard Mr. Gagan Bothra, party-in-person appearing on behalf of himself and other petitioners and Mrs.M.Prabhavathi, learned Additional Public Prosecutor, appearing for the first respondent. Mr.K. Rajesh Khanna, Inspector of Police, Chit and Kanduvatti Team, Central Crime Branch, Team VII, Vepery, Chennai, is present before this Court.

6 On a perusal of the case records, it is seen that the Investigating Officer had failed to inform the jurisdictional Magistrate after the accounts were directed to be frozen, as required under Section 102 Cr.P.C. That apart, this Court finds that the balance lying in all the accounts ranges from Rs.2,000/- to Rs.5,000/- only and further, there are no materials to show that the said amounts now lying in the bank accounts have any direct bearing on the allegations in the FIR.

In such view of the matter, this Criminal Original Petition is allowed with a direction to the Investigating Officer to issue necessary instructions to the banks concerned to de-freeze the bank accounts mentioned in the schedule to the petition extracted above.
cad

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police
Chit and Kanduvatti Team
Central Crime Branch
Team VII
Vepery Chennai

- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1cc to Mr.M.Gagan Bothra, Advocate S.R.No.71886

KR/30/10/18

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