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December 14,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.10115 of 2020

**Sri Debabrata Halder
Versus
The State of West Bengal and others**

Mr. Sabir Ahmed,
Mr. Lalratan Mondal,
Mr. Mujibar Ali Naskar,
Mr. M. Biswas.
...for the petitioner.

Mr. Bodisatta Biswas.
...for the respondent nos.7 and 8.

Mr. Amitesh Banerjee.
...for the State-respondents.

Ms. Sayani Roy Chowdhury.
...for the respondent nos.9.

The petitioner has filed this writ petition with the grievance that although the petitioner was arrested and charge-sheet filed against the petitioner on certain financial charges, some of the bank accounts of the petitioner are not being allowed to be operated by the petitioner's family members by the concerned banks, that is, the Axis Bank and the HDFC Bank, despite there being no order freezing the accounts.

Learned senior counsel appearing for the State-respondents submits, in unison with learned

counsel for the Axis bank that intimation was given by the CID to the concerned banks to freeze three of the accounts of the petitioner out of the four accounts which are the subject-matter of the present writ petition, apart from several other accounts.

It is further argued that if the petitioner withdraws money from the said bank accounts, which are already frozen at the instruction of the CID, the investigation and the ensuing result might be compromised.

Upon hearing all parties, it appears that out of the four bank accounts regarding which the present writ petition has been filed, only Axis Bank Account No. 9110040059677874 has not been frozen. The other three accounts, although frozen, could be permitted to be operated by the family members of the petitioner for the time being, subject to the petitioner furnishing an undertaking and/or executing a bond to the effect that the petitioner shall produce the entire amount lying in such accounts as on today, in the event directed by the authorities or any Magistrate having jurisdiction to do so.

Such action will have the dual benefit of mitigating the immediate financial needs of the petitioner's family as well as providing a safety net for the authorities in case the investigation ultimately incriminates the petitioner.

Accordingly, W.P.A. 10115 of 2020 is disposed of by directing the respondent nos.9 and 10 to permit the petitioner and/or his family members to operate the following bank accounts of the petitioner:

(i)	Axis	Bank	Account
			Nos.911010054918920 and
			9110040059677874

And

(ii)	HDFC	Bank	Account
			Nos.00081000378825 and
			00088630001006.

As far as operation of the account numbers, being Axis Bank Account no.911010054918920 and HDFC Bank Account nos.00081000378825 and 00088630001006, is concerned, the bank authorities shall permit the petitioner and/or his immediate family members to operate such accounts only upon the petitioner executing a bond to the amount equivalent to the sum-total of the amounts lying in the said three accounts, undertaking to furnishing such amount when called upon to do so by the concerned Magistrate having jurisdiction. A copy of the bond shall be furnished by the petitioner to the investigating officer in the criminal cases pending against him.

The petitioner and his immediate family members shall be permitted to operate the other

account, that is, Axis Bank Account no.9110040059677874 without executing any such bond, subject to further orders of any court of law or the investigating agency.

There will be no order as to costs.

The parties shall act on the communication by learned advocates for the parties without insisting upon production of a certified copy of this order.

(Sabyasachi Bhattacharyya, J.)