

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.16606 of 2019

IN CRL RC.1332/2017

GURUPRASATH

[PETITIONER]

Vs

STATE BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
KANCHEEPURAM.
CR.NO.2/2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To pass an order relaxing the condition imposed in Crl.M.P.No.15486 of 2017 in Crl.R.C.No.1332 of 2017 dated 15.12.2017 that so in the interest of justice and weighing the balance of convenience, it will be appropriate to direct the City Union Bank, Kancheepuram to freeze a sum of Rs.2 Crore in account No.0711009000123447 in the name of Vintage Enterprises and allow the account holder to operate the account with the rest of the balance money. i.e. Over and above Rs.2 crore. It is specifically directed to the Bank to ensure that the balance in the said account shall not go below Rs.2 Crore in any event and that the sum of Rs.2 crore is subject to the outcome of the Investigation.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. R.RAJASEKARAN, Advocate for the petitioner, and of MR. C.IYYAPPARAJ, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to relax the condition imposed in Crl.M.P.No.15486 of 2017 in Crl.R.C.No.1332 of 2017 dated 15.12.2017.

2.The case of the prosecution is that the petitioner, who is a husband of the public servant was disproportionate to the known source of income.

3. Accordingly, the bank account of the petitioner was freezed when the petitioner herein filed Crl.R.C.No.1332 of 2017 to defreeze the account. This Court observed that an opportunity has to be given to the petitioner and direction to defreeze the account with the following conditions:-

"On a perusal of the statement of Bank accounts and the balance available in the said accounts, this Court finds that nearly a sum of Rs.3 Crores is lying in the Bank Accounts of the accused. So, in the interest of justice and weighing the balance of convenience, it will be appropriate to direct the City Union Bank, Kancheepuram to freeze a sum of Rs.1 Crore in account No.0711009000123447 in the name of Vintage Enterprises and allow the account holder to operate the account with the rest of the balance money i.e., over and above Rs.1 crore. It is specifically directed to the Bank to ensure that the balance in the said account shall not got below Rs.1 crore in any event and that the sum of Rs.1 crore is subject to the out come of the investigation.

18. Further, in respect of all other accounts, this Court directs the Investigating Agency to instruct the respective bank to defreeze the account and allow the petitioner to operate. That apart, this Court directs that the above said direction will come into operation only after the petitioner executes a bond for Rs.1 crores with undertaking that he shall furnish security of property worth Rs.1 crore at any time as required by the Investigating Agency."

4. Thereafter, the petitioner filed a petition in Crl.M.P.No.15486 of 2017 in Crl.R.C.No.1332 of 2017 to modify the condition imposed in the above revision. This Court by order dated 15.12.2017 modified the revision as follows:-

"On a perusal of the statement of Bank accounts and the balance available in the said accounts, this Court finds that nearly a sum of Rs.3 Crores is lying in the Bank Accounts of the accused. So, in the interest of justice and weighing the balance of convenience, it will be appropriate to direct the City Union Bank, Kancheepuram to freeze a sum of Rs.2 Crore in account No.0711009000123447 in the name of Vintage Enterprises and allow the account holder to operate the account with the rest of the balance money i.e., over and above Rs.2 crore. It is specifically directed to the Bank to ensure that the balance in the said account shall not got below Rs.2 crore in any event and that the sum of Rs.2 crore is subject to the out come of the investigation.

Now the petitioner seeks relaxation of the above condition on the ground that there is no progress in the investigation for the past

two years.

5.The learned Additional Public Prosecutor on instructions would submit that the respondent police will complete the investigation and file a report within a period of six months, before the concerned Court.

6.In the facts and circumstances of the case, this Court is not inclined to issue a direction for defreezing the account of the petitioner without completion of the investigation.

7.Accordingly, this Criminal Miscellaneous Petition is dismissed with a direction to the respondent Police to complete the investigation and file a final report, before the concerned Court within a period of six months from the date of receipt of a copy of this order.

-sd/-

31/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
AND SPECIAL JUDGE AT CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
KANCHEEPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. R.RAJASEKARAN Advocate on payment of necessary charges

Order

in

CRL MP.16606/2019

in

CRL RC.1332/2017

Date :31/01/2020

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