

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P Nos.5523, 5543, 5544 of 2021

D.Ishaan Bhatia .. Petitioner in all Crl Ops

Vs.

1. State Rep. By
The Inspector of Police,
EDF - I, Team II,
Central Crime branch,
Chennai 600 007. ...1st respondent in all Crl OPs
(Crime No.55/2021)
2. The Manager,
ICICI Bank, Nungambakkam Branch,
no.110, Nungambakkam High Road,
Chennai 600 034. ...2nd respondent in Crl OP
No.5523 of 2021
3. The Manager,
IDFC First Bank, Anna Nagar Branch,
1st Floor, Tamilvanan Complex, Chennai - 10
...2nd respondent in Crl OP
No.5543 & 5544 of 2021

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to de-freeze the petitioner's company (BAHUBALI OVERSEAS) Account No.000905029251,10058756454, 10061596336 respectively maintained with the 2nd respondent in connection with the Crime No.55 of 2021.

For Petitioners : Mr.R.Vivekananthan
in all Crl.OPs
For 1st Respondent : Mr.Mohammed Riyaz
in all Crl.OPs Additional Public Prosecutor

COMMON ORDER

All these petitions have been filed challenging the freezing of the bank account of the petitioner maintained before the 2nd respondent bank in each of the petition.

2. The respondent police registered an FIR in Crime No.55 of 2021 on 19.02.2021 for an offence under Section 406,
<https://hcservices.ecourts.gov.in/hcservices/>

and 420 of IPC. The petitioner has been arrayed as the 2nd accused in the FIR. In the Course of investigation, the respondent police resorted to freezing of the bank accounts of the petitioner maintained before the 2nd respondent bank. The freezing of the bank account was made on 10.03.2021.

3. The petitioner aggrieved by the same, apart from filing a petition to quash the FIR, also filed these petitions challenging the freezing of the bank accounts on 10.03.2021. The matter came up for hearing on 18.03.2021 and this Court directed the learned Additional Public Prosecutor to take instructions from the respondent police as to whether the freezing of the bank accounts was informed to the jurisdictional Magistrate forthwith.

4. When the matter was taken up for hearing today, the learned Additional Public Prosecutor on instructions submitted that the report with regard to freezing of the bank account of the petitioner was submitted before the Special Court for CCB, CBCID Cases, Egmore, only on 19.03.2021. It is therefore clear that the respondent police have filed the report only after the filing of these petitions.

5. It is clear from the above that there is a mandatory violation on the part of the respondent police under Section 102 (3) of CR.PC. This Court has time and again held that the freezing of the bank account must be informed to the concerned Court forthwith, failing which the entire process will get vitiated. Useful reference can be made to the judgement of this Court in Padmini Vs. Inspector of Police, District Crime Branch, Tirunelveli, Crime Nos.7 and 8 of 2007 and others reported in 2008 (3) CTC 657 and in the case of T.M.Prakash and others Vs. District Collector, Tiruvannamalai District, Tiruvannamalai and another reported in 2014 (1) MLJ 261.

6. In the result, this Court has no hesitation to interfere with the freezing of the bank accounts that has been done by the respondent police in the course of investigation. Accordingly, the account maintained by the petitioner in the 2nd respondent bank in each of the petition is hereby defreezed and the 1st respondent police is directed to formally inform about the order passed by this Court to the 2nd respondent bank immediately.

7. All these criminal original petitions are allowed with the above directions.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

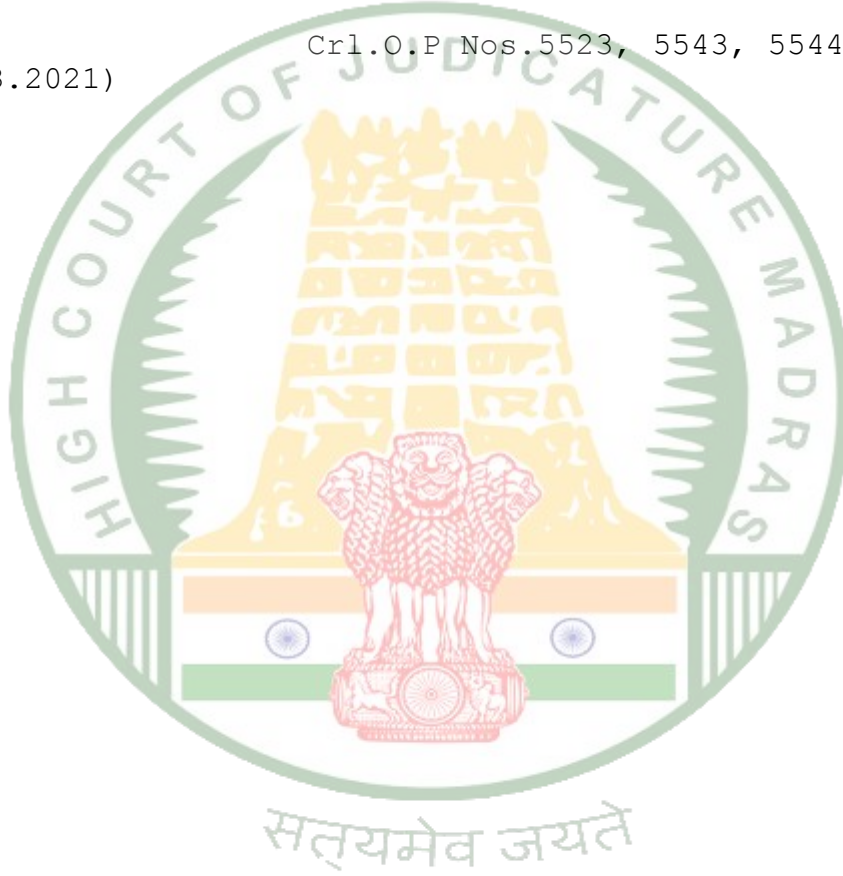
1. State Rep. By
The Inspector of Police,
EDF - I, Team II,
Central Crime branch,
Chennai 600 007.

2. The Public Prosecutor,
High Court of Madras

+3ccs to Mr.R.Vivekananthan, Advocate SR.No. 18328,18329,18330

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A.SK(24.03.2021)



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