



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R.THARANI**

Crl.O.P.(MD)Nos.4251 and 4253 of 2021

and

Crl.M.P(MD)Nos.2376 and 2380 of 2021

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1.T.Baburaj ... Petitioner in Crl.O.P.(MD)No.4251 of 2021
2.T.Mohanraj ... Petitioner in Crl.O.P.(MD)No.4253 of 2021
Vs.

- 1.State Rep. by
The Deputy Superintendent of Police,
District Crime Branch,
Tanjore District. ... 1st Respondent in both petitions
- 2.The Branch Manager,
Union Bank of India,
Pattukkottai Branch,
Pattukkottai. ... 2nd Respondent in Crl.O.P.(MD)No.4251 of 2021
- 3.The Branch Manager,
State Bank of India,
Tanjore Medical College Bank,
Tanjore. ... 2nd Respondent in Crl.O.P.(MD)No.4253 of 2021

Prayer in Crl.O.P.(MD)No.4251 of 2021 : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the first respondent to instruct the second respondent to de-freeze the Savings Bank account of the petitioner bearing S.B.Ac.No.580302010005431, Union Bank, Pattukkottai Branch and the second respondent to permit the petitioner to access the said account.

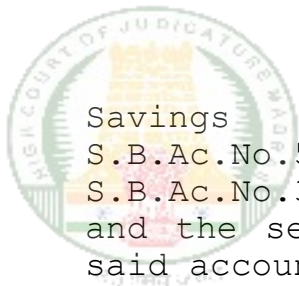
Prayer in Crl.O.P.(MD)No.4253 of 2021 : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the first respondent to instruct the second respondent to de-freeze the Savings Bank account of the petitioner bearing S.B.Ac.No.30095345180, Thanjavur Medical College Branch, Thanjavur and the second respondent to permit the petitioner to operate the said account.

For Petitioners : Mr.G.Prabhu Rajadurai
(in both petitions)

For R1 : Mr.S.Chandrasekar
(in both petitions) Additional Public Prosecutor

COMMON ORDER

The present petitions are filed seeking for a direction to the first respondent to instruct the second respondent to de-freeze the
<https://hcservices.ecourts.gov.in/hcservices/>



Savings Bank account of the petitioners bearing S.B.Ac.No.580302010005431, Union Bank, Pattukottai Branch and S.B.Ac.No.30095345180, Thanjavur Medical College Branch, Thanjavur and the second respondent to permit the petitioners to access the said account.

WEB COPY

2.On the side of the petitioners, it is stated that the petitioners' father was working in a Court and he was arrested for misappropriation of the Court deposit. A charge sheet was filed against the father and mother of the petitioners. The father is still in custody. The petitioners' mother obtained bail order. The account of the petitioners was freezed by the police. In the account of Baburaj, there is no amount pending and he used the account only for repaying the amount for a gold loan. Now, he was preventing from operating that account. From 30.11. 2020, Mohanraj is not able to operate the bank account and he is not able to withdraw the salary credited in his account. No notice was given to the petitioners. The proceedings under Section 102 of Cr.P.C., was not followed by the police. The petitioners are not an accused and prayed for a direction to de-freeze the petitioners' account.

3.On the side of the first respondent, it is stated that the father of the petitioners worked in the Court and he is swindled the amount of more than one Crore from the Court deposit and the account of the petitioners was freezed by the police and the police requested the bank to furnish the details of the account from 01.12.2018 till December 2020 and the case is pending investigation. If the amount is de-freezed, there is every possibility to withdraw the amount from the bank account.

4.In view of the submissions made by both the parties, this Court directs the concerned bank not to disburse any amount that was pending upto 30.12.2020 and to release any amount subsequent to that date. The amount pending on the date of freezing can be retained in the account and it should not be allowed to be withdrawn by the petitioners, or others.

5.With the above observations, the Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

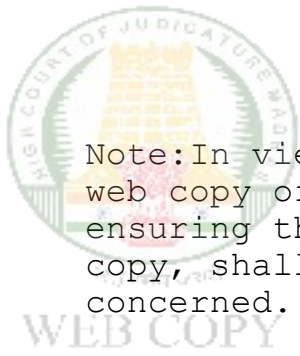
Assistant Registrar(CS-)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Deputy Superintendent of Police,
District Crime Branch,
Tanjore District.

2. The Branch Manager,
Union Bank of India,
Pattukkottai Branch,
Pattukkottai.

3. The Branch Manager,
State Bank of India,
Tanjore Medical College Bank,
Tanjore.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-12694 & 12696[F]
dated 22/03/2021)

Crl.O.P. (MD) Nos.4251 and 4253 of 2021
19.03.2021

mj (CO)
TR(31.03.2021) 3P 7C