

04.03.2022
Court No.13
Item No.60
AP

WPA 18049 of 2021

**Mir Saher Ali
Vs.
The Indusind Bank and Ors.**

(Through Video Conference)

Mr. Bhagbat Chaudhuri
Mr. Sariful Islam Mallick

... For the petitioner.

Mr. Raja Saha
Ms. Rupsha Chakraborty

... For the State.

Mr. Kaushik Chatterjee
Mr. Tirthankar Dey

... For the Respondent.

Counsel for the State has filed a report in the form of instructions dated 24th February 2022 issued by the Officer-in-Charge, Shakeshpere Sarani Police Station addressed to the learned State Advocate and the same is taken on record.

It appears that investigation is in progress after registration of FIR.

Counsel for the Bank relies upon a judgement of the Supreme Court in the case of ***Teesta Atul Setalvad Vs. State of Gujarat*** reported in ***(2018) 2 SCC 372***.

It is evident from the said judgement particularly paragraph 26 to 28 thereof, that the petitioner is required to apply before the Magistrate under Section 102 of the Cr.P.C. for the purpose of obtaining an order for de-freezing of his account. Under

normal circumstances de-freezing is allowed only after investigation is completed.

This Court is of the view that such de-freezing may be allowed in the event the magistrate is satisfied that it is no longer needed for investigation, after taking into consideration the submissions of the investigating officer and the de facto complainant.

In that view of the matter, the petitioner may take suitable steps before the Magistrate concerned.

It is ordered that the investigation be completed as expeditiously as possible by the Shakeshpere Sarani Police Station preferably within a period of one month from the date of communication of a copy of this order.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)