

16-11-2022
ct no. 13
Sl.1
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WPA 23456 of 2022

Sanmoy Banerjee

-Versus-

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandip Das,
Mr. Ankur Sharma,
Mr. Badrul Karim

....for the petitioner

Mr. Amitesh Banerjee, Id. Sr. St. Counsel,
Mr. Suddhadev Adak

...for the State

Mr. Amitesh Banerjee, learned Senior Counsel appearing for the Investigating Officer submits that the bail was granted to the petitioner unconditionally. The receipt of funds into his bank accounts is clear and evident. The petitioner is not cooperating to disclose the source of the funds.

This Court notes that the statement of accounts of the petitioner is available to the Investigating Officer and if not available, can be procured from the bank concerned. The Court is unable to appreciate the causal connection between the funds received by the petitioner and the offences which the petitioner has been charged.

In so far as the non-cooperation with notice under Section 41A, this Court is surprised that the Investigating Officer has not insisted on condition

to be put in by the Magistrate while bail was granted to the petitioner. The freezing of the petitioner bank account is not supported in law or the facts of the case.

The Court is of the clear view that in the absence of user of the funds by the petitioner, rights under Article 300A is not Article 21 of the Constitution of India of the petitioner have been affected.

The HDFC Bank Accounts being (1) A/c No. 00081050093744, (2) A/c No. 00082470003690 and (3) A/c No. 50100407742141 of the petitioner shall be unfrozen immediately. The petitioner shall be allowed to operate the bank accounts including withdrawal therefrom.

A detailed statement of accounts of the transactions, conducted by the petitioner in the said accounts, may be obtained by the Investigating Officer from the HDFC Bank.

With the aforesaid observations, the writ petition shall stand 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.)

