

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 267 OF 2019

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Seema Nitin Gode

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Prashant Gurav for applicant.

Mr. A. r. Patil, APP for respondent/State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th July 2022

PC :

1. Heard both sides.
2. The applicant has been prosecuted vide C.R. No. I-412 of 2016 registered with Nayanagar Police Station, Dist. Thane for the offence punishable under Sections 420, 406, 465, 467, 468, 465, 471, 473, 120B of the Indian Penal Code (for short "IPC"). The applicant was arrested on 12.12.2016.
3. On 19.12.2016, the investigating agency attached the applicant's saving bank account No. 0812500104052101 with Karnataka Bank, I.C. Colony, Borivali (west) Branch, Mumbai. At the time of her

arrest amount of Rs.1,36,154/- was lying on the said account. The applicant was thereafter granted bail. On completing investigation, charge-sheet has been filed and the case is pending vide RCC No. 415 of 2017 before the concerned Court.

4. The applicant preferred an application for defreezing the aforesaid bank account. The said application has been rejected by the Court of learned 5th Judicial Magistrate, First Class vide order dated 17.11.2017. The said order is confirmed by the Sessions Court by dismissing the revision application No. 18 of 2018 vide order dated 21.11.2018.

5. Learned advocate for the applicant submitted that the aforesaid bank account was exclusively used for LIC commission. The amount does not have any connection with proceeds of crime. The interest has been accrued on the principal amount. Additional commission received by applicant is also credited in the said account and presently the amount accumulated is around 7 lacs.

6. Learned APP submitted that the applicant and the other accused had acted in connivance with each other. Accused had defrauded their customers and misappropriated huge amount. The prosecution has filed affidavit in reply opposing the application.

7. It appears that the account was utilized for depositing LIC commission. At the time of applicant's arrest, the amount of Rs. 1,36,154/- was lying in the said amount. The said account can be earmarked to the extent of Rs. 1,36,154/- by allowing the applicant to withdraw the additional amount accumulated in the said account by interest and commission.

ORDER

- (i) Criminal Application No.267 of 2019 is allowed.
- (ii) Orders dated 17.11.2017 and 21.11.2018 are set aside.
- (iii) The amount of Rs.1,36,154/- lying in the bank account with Karnataka Bank vide saving bank account No. 0812500104052101 Barivali (w) is earmarked and the applicant is permitted to withdraw the additional

amount lying in the said account towards the interest and commission.

(iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)