

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL) NO. 774 OF 2022**

Nareshkumar s/o Babulal Murti, aged  
 about 56 years, Occ. Teacher, R/o  
 14/26, MHADA Colony, Ramnagar,  
 Akola, Tq. & Dist. Akola.

... APPLICANT\_

**VERSUS**

State of Maharashtra,  
 Through P.S.O. Ramdaspath,  
 Akola, Tq. & Dist. Akola.

... RESPONDENT

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Shri V.R. Deshpande, Advocate for the applicant.  
 Shri S.M. Ukey, A.P.P. for non-applicant/State.

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**CORAM : VINAY JOSHI, J.**  
**DATED. : 10.08.2022.**

**ORAL JUDGMENT :**

Heard. **ADMIT.** The matter is taken up for final hearing  
 by consent of both parties.

2. The applicant who is accused no. 1 in MPID case No.109 of

2020 challenges the order dated 05.03.2022 on Exhibit 181, whereby the Trial Court rejecting the application for defreezing the bank accounts. The applicant seeks for de-freezing six bank accounts i.e. one with State Bank of India and rest with the Oriental Bank of Commerce. It is submitted that there is no justification in seizure of bank accounts. In this application the applicant restricted his prayer to the extent only three accounts, which are as follows :

| <b>Sr. no.</b> | <b>Bank</b>               | <b>Account Number</b> |
|----------------|---------------------------|-----------------------|
| 1.             | Oriental Bank of Commerce | 51682040023370        |
| 2.             | Oriental Bank of Commerce | 51685071000018        |
| 3.             | Oriental Bank of Commerce | 51686015001607        |

3. It is the applicant's case that account at Sr.No.1 is his salary account, at Sr. No.2 is mere overdraft facility whilst account at Sr. no.3 is his housing loan account. It is submitted that these accounts does not have any nexus with the crime and by freezing those accounts, he is deprived from using his salary account as well as housing loan account. Though the State resisted for de-freezing, no justifiable ground had been made out. Learned A.P.P. conceded the position that the cumulative amount at the credit of the applicant is as shown at the communication dated 08.09.2020.

4. The applicant has pointed towards the communication letter dated 08.09.2020 issued by the Bank specifying that the cumulative balance at the credit of all applicant's account is merely Rs.9291.74/-. Therefore, even on *prima facie* basis it cannot be said that, the amount lying in his account has any direct nexus with the crime or the amount is accumulation of fraudulent activity.

5. Having regard to the said fact, there is no reason to freeze the applicant's aforesaid three bank accounts. Therefore, the application is allowed. The impugned order dated 05.03.2022 is partially set aside. The applicant's three bank accounts with the Oriental Bank of Commerce bearing account Nos.51682040023370, 51685071000018 and 51686015001607, are hereby defreezed.

6. The application is disposed of in the above terms.

**(VINAY JOSHI, J.)**

*Trupti*