

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 724 OF 2023

Srikant Akiri

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Chaitanya Malgaonkar a/w Ms. Ashwini Pani & Ms. Khushali Poddar, for the Petitioner.

Mr. V.B.Konde Deshmukh, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.**
DATE : 10th APRIL, 2023

P.C. :

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned APP waives notice on behalf of the Respondent-State.

3. By this petition, the petitioner seeks the following substantive relief;

“(b) Issue a Writ of Certiorari and/or any other writ, order or direction thereby quashing the direction issued by the Cyber Police Station, BKC, Mumbai which came to the knowledge of petitioner on 16th November, 2022, to ICICI Bank, Thiruvananthapuram, Kerala, for freezing bank account by the name of Steppe Holidays, maintain with ICICI Bank, Thiruvananthapuram, Kerala, having bank account No. 253305000561 and having IFSC Code ICIC0006262 and ultimately directing the said police station to de-freeze the said bank account.”

4. Learned Counsel for the petitioner submits that the petitioner is not an accused in the said C.R. in connection with which, the petitioner's bank account came to be frozen by the Cyber Police Station, BKC, Mumbai. He submits that the allegations as against the petitioner appears to be that one B.K. Footwear had transferred an amount of Rs.2,00,000/- in the petitioner's account, maintained with ICICI Bank, Thiruvananthapuram, Kerala. He submits that the amount presently in the petitioner's account is about 60,00,000/- and that the petitioner is ready and willing to deposit Rs.2,00,000/-, transferred by B.K. Footwear in his account, with the Cyber Police

Station, BKC, Mumbai, in their account.

5. Learned APP, on the instructions of Mr. Mahendra Jadhav, attached to Cyber Police Station, BKC, Mumbai, does not dispute the fact, that the petitioner is not an accused in the said case. Learned APP, on instructions, submits that if the petitioner deposits Rs.2,00,000/- with the Cyber Police Station, BKC, Mumbai, they have no objection for de-freezing the bank account of the petitioner.

6. Perused the papers. By this petition, the petitioner seeks quashing of the direction issued by the Cyber Police Station, BKC, Mumbai to the ICICI Bank, Thiruvananthapuram, Kerala, for freezing the bank account of the petitioner, standing in the name of 'Steppe Holidays' maintained with the ICICI Bank, Thiruvananthapuram, Kerala, having Bank Account No. 253305000561.

7. According to the prosecution, one Shailesh Labdhe (Original Complainant) lodged an FIR with the Cyber Police Station, BKC, Mumbai, as against Neena Manue, Vaishnavi and a person using

WhatsApp Number xxxx alleging offences punishable under Sections 467, 468 r/w 120B of the Indian Penal Code and Section 66D of the Information Technology Act, 2000.

8. During the course of investigation, it was revealed that the accused had allegedly prepared bogus electronic documents and had lured the complainant -Shailesh, who was searching for a part time job to complete as many tasks as possible for the said company and in return, the complainant was promised good commission. It is also alleged in the FIR that the accused enticed the complainant into depositing an amount of Rs.25,54,104/- into various bank accounts. It appears that when the complainant realized that he was duped by the accused, he filed the aforesaid FIR as against the accused alleging the aforesaid offences.

9. Admittedly, the petitioner is not an accused in the said case. It appears that the accused had transferred some amount in the account of B.K. Footwear, who in turn, transferred an amount of Rs.2,00,000/- into the petitioner's account, standing in the name of

‘Steppe Holidays’, maintained with the ICICI Bank. It appears that at the relevant time, the petitioner had an amount of Rs.60 lakhs and odd, in his account when the Police directed the ICICI Bank, to freeze the petitioner’s account, during the course of investigation.

10. As noted above, according to the petitioner, it is the prosecution case that an amount of Rs.2,00,000/- was transferred by B.K. Footwear into petitioner’s account.

11. Since the petitioner is ready to deposit the said amount of Rs.2,00,000/- with the Police of Cyber Police Station or in the Court and since the prosecution has no objection to the same, we allow the petition and direct the ICICI Bank, Thiruvananthapuram, Kerala, to de-freeze the bank account of the petitioner, having bank account No. 253305000561 and having IFSC Code ICIC0006262, standing in the name of ‘Steppe Holidays’, subject to the petitioner depositing an amount of Rs.2,00,000/- with the Cyber Police Station, BKC, Mumbai, in the account maintained by them within two weeks of uploading of the order as till date, chargesheet has not been filed by the Police in

the said case. On chargesheet being filed, the Cyber Police Station, BKC, Mumbai to forthwith transfer the said amount of Rs.2,00,000/- in the Court which is seized of the said case.

12. With the aforesaid directions, Rule is made absolute in the aforesaid terms. The petition is accordingly disposed of.

13. Petition to be listed on 6th June, 2023, for recording compliance of deposit of Rs.2,00,000/- with the Cyber Police Station, BKC, Mumbai.

14. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.