



Crl.O.P.No.17315 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17315 of 2023

A.Sekar

.. Petitioner

Versus

1. The State by
The District Superintendent of Police,
Ranipet,
Ranipet District.

2. The Deputy Superintendent of Police,
Arkonam,
Ranipeti District.

3. The Manager,
State Bank of India,
Arkonam Branch,
Ranipet District.

4. The Manager,
State Bank of India,
Palladam Branch, Tirupur District.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to defreeze Saving Account No.20228382050 of the petitioner at Palladam Branch, Tirupur District.



Crl.O.P.No.17315 of 2023

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For Petitioner : Mr.S.Anburaja

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for RR-1 and 2

ORDER

This petition has been filed for a direction to defreeze the bank account of the petitioner maintained at the third and fourth respondents Bank.

2. When the matter came up for hearing on 02.08.2023, this Court directed the learned Additional Public Prosecutor to take instructions regarding the freezing of bank account.

3. When the matter is taken up for hearing today, it was brought to the notice of this Court that the second respondent had directed the freezing of the bank account even when the case was at the enquiry stage in C.S.R.No.285 of 2022. The learned Additional Public Prosecutor further submitted that the enquiry has also been transferred from the file of the second respondent.



Crl.O.P.No.17315 of 2023

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4. In the light of the submission made by the learned Additional Public Prosecutor, the very freezing of the bank account of the petitioner is illegal since it was done even before an F.I.R was registered. Hence the bank account has to be necessarily defrozeed and there shall be a direction to the second respondent to immediately intimate the respondents 3 and 4 to defrozeed the bank account. Now that the investigation has been transferred from the file of the second respondent, the Investigation Officer who is undertaking the investigation shall proceed strictly in accordance with law and if the bank account of the petitioner has to be freezed, the mandate under Section 102 of Cr.P.C., shall be followed.

5. This Criminal Original Petition is disposed off with the above directions.

09.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The District Superintendent of Police,



Crl.O.P.No.17315 of 2023

Ranipet,
Ranipet District.

2. The Deputy Superintendent of Police,
Arkonam,
Ranipeti District.
3. The Manager,
State Bank of India,
Arkonam Branch,
Ranipet District.
4. The Manager,
State Bank of India,
Palladam Branch, Tirupur District.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.17315 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.17315 of 2023

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