



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18197 of 2023

M/s.Badabro Giga Venture Private Limited,
(CIN:U72500WB2019PTC233458)

Rep. by its Authorized Signatory Mr.Siddharth Agarwal (DIN:00349972)

Having office at 4th and 6th Floor, No.10C,
Sir William Jones Sarani (Middleton Row)
Kolkatta, West Bengal – 700 071.

.. Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Cyber Crime Police Station,
Vellore District.

2.ICICI Bank Ltd.,
Salt Lake Bidhan Nagar Branch,
Plot No.A2, M2 and N2,
Block EP & GP., Jalpaiguri,
West Bengal – 735 101.

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to de-freeze the Account No.105605005041 standing in the name of the petitioner maintained with the 2nd respondent.



For Petitioner : Mr.Pawan Jhabakh
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R1

ORDER

This petition has been filed for a direction to the 1st respondent to de-freeze the Bank account of the petitioner maintained before the 2nd respondent Bank.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.The learned Additional Public Prosecutor on instructions submitted that the Bank account of the petitioner was freezed on 22.07.2022 when the enquiry was going in C.S.R.No.344 of 2022. Thereafter, an FIR came to be registered by the 1st respondent in Crime No.10 of 2023.

4.In the considered view of this Court, there is no question of freezing a bank account even without the registration of FIR. The enquiry that is done at the



stage of CSR is a stage even before an FIR is registered under Section 154 of

Cr.P.C. Hence, there is no question of freezing the Bank account at that stage.

Consequently, the very freezing of the account on 22.07.2022 is illegal. Hence, the

1st respondent has to necessarily de-freeze the bank account of the petitioner.

5.If according to the 1st respondent, the Bank account of the petitioner has to be freezed pending the investigation in Crime No.10 of 2023, the mandate under Section 102 of Cr.P.C., has to be necessarily followed.

6.This criminal original petition is disposed of accordingly.

10.08.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

1.The The Inspector of Police,
Cyber Crime Police Station,
Vellore District.

2.The Public Prosecutor
High Court of Madras, Madras.



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N.ANAND VENKATESH, J

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