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CRL. OP Nos.22066 to 22071 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.07.2023**

CORAM:

THE HONOURABLE MR.N.ANAND VENKATESH

CRL. OP Nos.22066 to 22071 of 2022

CRL. OP No.22066 of 2022

M/s.Hotel SPR INN,
A partnership Firm,
Represented by its Partner
versus

: Petitioner

1.State,
Represented by Inspector of Police,
CBCID, Coimbatore District,
No.1000/1, Avinashi Road,
Coimbatore-641 018.

2.The Manager,
IDBI Bank,
Door No.72, Dr.Balasundaram Road,
Coimbatore.

: Respondents

Petition filed to direct the respondents to de freeze the petitioner's Account vide No.0134102000017417 on the file of 2nd respondent which was frozen based on the letter dated 22.07.2022 issued by the first respondent in Crime No.2/2021 and pass orders.

For Petitioner	:	Mr.T.N.Rajagopalan
For Respondents	:	Mr.A.Gopinath
		Government Advocate
		for first respondent
		second respondent- No appearance



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COMMON ORDER

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All these petitions have been filed for a direction to the respondent police to de freeze the bank account maintained by the petitioner in the respective second respondent bank.

2. The first respondent is investigating a case in Crime No.2 of 2021 for offence under Sections 147, 148, 452, 427, 294(b), 506(ii), 386, 354(A), 201, 177 read with 114 of IPC & 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998.

3. There are totally 25 accused persons in this case and the petitioner has been ranked as A2.

4. In the course of investigation, the respondent police froze the bank accounts maintained by the petitioner before the respective second respondent bank. Aggrieved by the same, these petitions have been filed for a direction to the respondent police to de freeze the bank accounts.



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5. The particulars of the bank account concerned with each criminal original petition is tabulated here:

S.No.	Petitioner	Bank Details
1.	Crl.O.P.No.22066 of 2022 M/s.HOTEL SPR INN Represented by its partner P.R.Rajeshvari	De-freeze the bank account of the petitioner viz., A/c. No.0134102000017417 -IDBI Bank, RS Puram Branch, Coimbatore (R2)- Letter dated 22.07.2022 (pg.71)
2.	Crl.OP.No.22067 of 2022 M/s. Hotel SPR INN Represented by its partner P.R.Rajesvari	De-freeze the bank account of the petitioner viz., A/c. No.502601010035438 - Union Bank of India, RS Puram Branch, Coimbatore (R2)- Letter dated 22.07.2022 (pg.71)
3.	Crl.OP.No.22068 of 2022 M/s. Hotel SPR INN Represented by its partner P.R.Rajesvari	De-freeze the bank account of the petitioner viz., A/c. No.913020042392173 - Axis Bank, Bharathi Park Branch, Letter dated 22.07.2022
4.	Crl.O.P.No.22069 of 2022 S.P.Rajendran	De-freeze the bank account of the petitioner viz., A/c. No.19820100034743 -Federal Bank Ltd., Papanaiakan Palayam, Coimbatore (R2)- Letter dated 22.07.2022 (pg.71)
5.	Crl.O.P.No.22070 of 2022 S.P.Rajendran	De-freeze the bank account of the petitioner viz., A/c. No.006104000265522- IDBI Bank, RS Puram Branch, Coimbatore (R2)- Letter dated 22.07.2022 (pg.71)
6.	Crl.O.P.No.22071 of 2022 S.P.Rajendran	De-freeze the bank account of the petitioner viz., A/c. No.502601010035295- Union Bank of India, RS Puram Branch, Coimbatore (R2)- Letter dated 22.07.2022 (pg.71)

6. It is brought to the notice of this Court that insofar as the bank account relating to Criminal OP.No.22066 of 2022, the same has already been de frozen pursuant to the interim order passed by this Court dated 29.09.2022. With respect to the other criminal original



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petitions, the bank accounts were freezed by the first respondent on 22.07.2022 and the intimation was sent to the Court only on 16.08.2022.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

8. Learned Government Advocate submitted that the investigation is pending and that it will be completed and final report will be filed within the time stipulated by this Court.

9. On carefully considering the submissions made on either side and the materials available on record, this Court is inclined to de freeze the bank accounts pertaining to Criminal O.P.Nos.22066, 22067, 22068, 22069 & 22070 of 2022, without imposing any conditions. This is more so due to the fact that the intimation was sent to the concerned jurisdictional Court only on 16.08.2022 and the same is not in line with the mandate under Section 102 of CrPC.

10. In view of the same, the bank accounts concerning the above Criminal Original Petitions shall be de freezed by the first



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respondent forthwith. The intimation shall be sent to the concerned banks by the first respondent in this regard.

11. Insofar as the criminal OP No.22071 of 2022, this Court is inclined to de freeze the bank account by imposing a condition. It is brought to the notice of this Court that a sum of Rs.9,47,881.60/- is lying in this bank account. This amount can be directed to be kept in a fixed deposit by the Union Bank of India, RS Puram Branch, Coimbatore. Thereafter, the petitioner can be allowed to operate the bank account. On the completion of the investigation by the respondent police within the time stipulated by this Court, the petitioner will be permitted to file an appropriate application before the Court below where the final report is filed and the Court below will permit the petitioner to withdraw the amount from the concerned bank along with accrued interest. The second respondent bank in Criminal O.P.No.22071 of 2022 shall take steps to keep the amount in fixed deposit within a period of one week from the date of receipt of a copy of this order. The same shall be intimated to the first respondent. The first respondent shall thereafter immediately instruct the second respondent to de freeze the bank account and enable the petitioner to operate the bank account.

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12. All these criminal original petitions are disposed of in the above terms.

18.07.2023

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To

1. The Inspector of Police,
CBCID, Coimbatore District,
No.1000/1, Avinashi Road,
Coimbatore-641 018.

2. The Public Prosecutor,
Madras High Court



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N.ANAND VENKATESH, J.

(mrn)

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