



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 779 OF 2024

GOVIND GANPATRAO SHELKE

VERSUS

C B I ANTI CORRUPTION BUREAU NAGPUR

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Advocate for the Petitioner : Mr. Sharad V. Natu

DSGI for Respondent : Mr. Ajay G. Talhar

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CORAM : S. G. MEHARE, J.

DATE : 26-08-2024

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned Deputy Solicitor General of India for the respondent.
2. The petitioner has impugned the order of the learned Special Court / Additional Sessions Judge, Latur, passed below application Exhibit-48 in Special Case No.119 of 2021, dated 23.01.2023.
3. The learned counsel for the petitioner submits that the petitioner was arraigned as an accused in CR. No. RC028 of 2016 A0014 registered with Central Bureau of Investigation, Anti-Corruption Branch, Nagpur. After the crime was registered, the petitioner was suspended from his services. The respondent had seized the bank account and locker key standing in the name of the petitioner with Latur Urban Co-operative Bank, Ausa Road,

Latur. The respondent recovered a silver lamp from his bank locker, except that nothing had been found. The petitioner was not allowed to operate that locker as the Investigating Officer had frozen it. He applied to the Court, either allow him to use the locker or close down the locker. However, the learned Sessions Court rejected his prayer holding that the offence is serious.

4. The learned D.S.G.I. for the respondent submitted that while hearing the application before the Sessions Court, oral submission was made that there was no objection to de-freeze the locker.

5. It reveals that nothing was found in the locker except a silver lamp. However, the Investigation Officer had seized the locker key. Considering the facts and circumstances of the case, this Court is of the view that if the petitioner is allowed to close the locker facility, no harm would be caused to the prosecution as it is not a part of the charge sheet. The petitioner was neither allowed to operate the locker nor was it closed. However, the locker operating charges are charged to his account.

6. In application Exhibit-48, a prayer was made that directions to the respondent/CBI to de-freeze and permit him to operate his seized locker of Latur Urban Co-operative bank AUSA Road, Latur and joint locker No.48 and Key No.12 in the name of petitioner/accused No.4 and his wife - Sou.Vandana Govind Shelar. However, an alternate request that he should be allowed to close

the account/locker deserves to be allowed. In the circumstances, the writ petition deserves to be allowed. Hence, the order:-

ORDER

- i) The criminal writ petition stands allowed.
- ii) The impugned order of the learned Special Court / Additional Sessions Judge, Latur, passed below application Exhibit-48 in Special Case No.119 of 2021, dated 23.01.2023, stands quashed and set aside.
- iii) Application Exhibit-48 is allowed.
- iv) The petitioner and his wife are allowed to close their joint locker No.48 with Latur Urban Co-operative Bank, Ausa Road, Latur.
- v) The Manager of the concerned Bank should complete the formalities of closing the said locker after clearing the operating charges, if any.

(S. G. MEHARE)
JUDGE

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