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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4675 of 2024

Mr.Mathan Kumar

... Petitioner

Vs.

1.State Rep. by: The Inspector of Police,
Erode Taluk Poilce Station,
Erode – 638 002.

2.The Bank Manager,
Indian Bank, Erode Branch,
Gandiji Road, Erode – 638 001.

3.The Bank Manager,
Lakshmi Vilas Bank,
Lakkapuram Branch, Erode – 638 002.

4.The Bank Manager,
Indian Overseas Bank,
District Court Branch, Erode – 638 011.

5.The Bank Manager,
Axis Bank, Erode Branch,
Veerappanchathiram, Perunthurai Road,
Erode – 638 011.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to de-freeze the Petitioner's bank account bearing Account Number 6906602834 maintained by the 2nd respondent



Bank and Account bearing Account Number 0407301 000053887 maintained by the 3rd respondent bank and bearing Account Number 182501000022854 maintained by the 4th respondent bank and bearing account Number 921010009068523 maintained by the 5th respondent bank in pursuance of the petitioner's representation dated 15.12.2022.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

ORDER

This criminal original petition has been filed for a direction to the 1st respondent to de-freeze the bank account maintained by the petitioner in the Banks arrayed as respondents 2 to 5 in this petition.

2.The learned Additional Public Prosecutor on instructions submitted that the bank account was freezed on 07.06.2022 in the course of investigation in Crime No.235 of 2021. However, the same was not intimated immediately to the concerned Magistrate.

3.In the light of the above submission, it is clear that the mandate under Section 102 of Cr.P.C., has not been complied with in this case and hence, the very freezing of the bank account becomes illegal. Hence, there shall be a direction to



the 1st respondent to defreeze the bank account of the petitioner. If the 1st respondent is of the view that freezing of the bank account is necessary in the course of investigation, the 1st respondent shall follow the mandate under Section 102 of Cr.P.C., and proceed further in accordance with law.

4.This criminal original petition is disposed of with the above directions.

05.03.2024

Index : Yes/No
Internet : Yes/No
ssr

To

1.The Inspector of Police,
Erode Taluk Poilce Station,
Erode – 638 002.

2.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

SSI

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