



CrI.O.P.(MD)No.325 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.325 of 2024

Syed Basha

...Petitioner

Vs.

1.State,

Represented by the Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,

Cyber Crime Police Station,
Thoothukudi District-628101.

3.The Branch Manager,

RBL Bank Limited, Velachery Branch,
Block No.222, I Floor,
Taramani Link Road, Velachery,
Chennai – 600042.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue a direction to the second Respondent police to de-freeze (unblock) the Petitioner's insignia savings – NRI Account No.309013922876 in RBL Bank Limited, Velachery Branch, by giving necessary intimation by mail to the third Respondent Bank and allow the Petitioner to operate the account.



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For Petitioner : Mr.S.Swaminathan
For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed seeking direction against the second Respondent to de-freeze the Petitioner's account.

2. The learned Counsel for the Petitioner submitted that the Petitioner was employed in abroad. The Petitioner maintains his Bank account with the RBL Bank Limited, Velachery Branch through which he has to transact business for family members and the entire family depends on this account. While so, the second Respondent is alleged to have freezed the Bank account of the Petitioner with the third Respondent Bank. He was not issued with any summons and also he was not arrayed as accused in any case pending with the Respondents 1 and 2. While so, the conduct of the second Respondent is unacceptable in law. Therefore, the Petitioner seeks to de-freeze his account in order to help his family to attend their daily necessities.



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3. The learned Additional Public Prosecutor by way of reply submitted that the case involves online fraud where the accused from abroad was engaged in online fraud cheating the gullible public. The Petitioner is suspected to be a recipient of the fifth ring of the involved gang. Therefore, the second Respondent had registered a case in Crime No. 9 of 2024, dated 09.01.2024. From the preliminary investigation, it was found out that the Petitioner herein had received Rs.50,000/- (Rupees Fifty Thousand only) as on 19.08.2023 and within the same month, he had accumulated one crore in one month transaction and 3.05 crores within a short period of three months. Therefore, the Petitioner is under investigation for online fraud. If the account is de-frozen, the materials available to the Investigation Officer will be lost. Therefore, the learned Additional Public Prosecutor vehemently objects to de-freeze the account.

4. Recording the vehement objection of the learned Additional Public Prosecutor, this Criminal Original Petition is dismissed.

10.01.2024

Index : Yes/No

Internet: Yes/No

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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police,
Cyber Crime Police Station,
Thoothukudi District-628101.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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