



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1735 OF 2025

Mindsarray Network Private Ltd. (MNPL),
Through its Authorized Representative
Having their Corporate Address Office
at 726, Raheja's Metroplex, IJIMIMA,
Link Road, Malad (W), Mumbai – 400 064.Petitioner
Vs.

1. State of Maharashtra,
At the instance of Sr. Inspector,
Cyber Crime Police Station,
Pimpri Chinchwad
Police Commissionerate.
2. Union of India,
Ministry of Home Affairs,
Represented by its Home Secretary,
North Block, New Delhi – 110001.
3. Indian Cyber Crime Co-ordination Centre,
Represented by its Secretary,
5th Floor, NDCC-II Building,
Jai Singh Road, New Delhi.
4. Reserve Bank of India,
Represented by its Governor,
Mumbai Regional Office,
Shahid Bhagat Singh Road,
Kala Ghoda, Fort, Mumbai,
Maharashtra – 400 001, India.
5. The Saraswat Co-Operative
Bank Ltd. Charkop Road,
RDP Road Number 8,
Kuluwasi CHS, Sector 4, Charkop,
Kandivali West, Mumbai,
Maharashtra 400 067.

6. State Bank of India,
 - (i) Plot No.11b Government Industrial Estate, Kandivali, Mumbai, Maharashtra – 400 067.
 - (ii) Matru Chaya Building, New Link Road, Kandivali, Evershine Nagar, Malad West, Mumbai, Maharashtra – 400 064.
7. ICICI Bank,
 - (i) Trans Trade Centre, Near Floral Deck Plaza, Seepz, MIDC, Andheri (E), Mumbai – 400 093.
 - (ii) 343, Mani Bhavan, Swami Vivekananda Road, Opposite Jawahar Nagar Hall, Siddharth Nagar 4, Shri Nagar, Goregaon (W), Mumbai, Maharashtra - 400 104.
8. Union of Bank of India, Ground Floor West, Spec House, Ramchandra Lane, Near Paras Industrial Estate, Kachpada, Malad.
9. Axis Bank, Chakravarty Road, Ashok Nagar, Kandivali (East), Mumbai - 400 101.
10. Bank of India, Savera Heights, Cts. No.2878/B, Malavani, Malad West – 400 095.
11. Bank of Maharashtra,
 - (i) Chandrashali Building, Liberty Garden, Road No. 1,

Malad (West), Mumbai-400 064.

- (ii) Mahamangal Building,
Plot No. 274, Opposite Sector 1,
Charkop, Kandivali West,
Mumbai, Maharashtra 400 067.

- 12. HDFC Bank,
 - (i) China Link, Ground Floor,
Opposite Goregaon Sport Club,
Link Road, Malad West,
Mumbai Maharashtra 400 064.
 - (ii) Shop No 8, Ground Floor,
Bhagat Grandeur, Link Road,
Malad West, Mumbai 400 064.
- 13. Kotak Mahindra Bank,
Kotak Mahindra Bank Ltd Ground Floor,
Palm Court – M, Near D-Mart,
New Link Road, Malad (W),
Mumbai, Maharashtra - 400 064.
- 14. Punjab National Bank,
Geetanjali, Marve Road,
Malad (W), Mumbai 400 064.
- 15. IDBI Bank,
IDBI Towers, Ground Floor,
WTC Complex, Cuff Parade,
Malad West Mumbai 400 064.
- 16. UCO Bank,
Jay Apartment, Mahatma Gandhi Road,
Near Santoshi Mata Mandir,
Kandivali, Hemu Colony,
Junction, Kandivali West,
Mumbai, Maharashtra 400 067.

17. YES Bank Sports Club,
S. No 10 & 101, Ground & 1st Floor,
Link House Link Road, Malad West,
Near Goregaon, Mumbai,
Maharashtra 400 064.
18. Equitas Bank,
S.N. 6 to 9, 7th Floor,
Parmeshwar Sham Rajeshwari,
Ghatkopar East, Mumbai,
Maharashtra 400 077.
19. Karur Vysya Bank,
Shop No 18, 19 and 20, Plot No. 07 K,
Ratna Rajul Co-Op Hsg Society,
Mahatma Gandhi Road, Patel Nagar,
Kandivali West, Mumbai,
Maharashtra 400 067.
20. RBL 0656,
Ground Floor, Shop No. 002,
Balaji Business Park CTS No. 785,
Marol, Andheri East,
Mumbai, Maharashtra 400 059.
21. Punjab National Bank,
 - (i) Swami Vivekananda Road,
Patel Estate, Jogeshwari West,
Mumbai, Maharashtra 400 106.
 - (ii) Father Justin Dsouza Road,
Malad, Orlem, Lourdes Colony,
Malad West, Mumbai,
Maharashtra 400 064.
22. IDFC First Bank,
No 001 & 101, Konark Apartment,
Chandavarkar Lane, Roshan Nagar Road,
Mumbai, Maharashtra 400 094.

23. TJSB Bank,
Shop No. 1 to 6, Plot No. 135,
RDP-7, Charkop Mitasu CHS,
Sector 6, Charkop, Kandivali W,
Mumbai-400 067.
24. Karnataka Bank,
B/13, Matru Ashish,
Next to Balbharati School,
S. V. Road, Kandivli (W),
Mumbai – 400 067.
25. Tamilnad Mercantile Bank Limited,
Unit 14, Building No. 2,
Ground Floor, Sanjay Mittal
Industrial Estate, Andheri Kurla Road,
Andheri East, - Mumbai,
Maharashtra 400 059.
26. Indian Bank,
No.1 to 4, Natasha Manor - 'A',
Ground Floor, Chandavarkar Road,
Borivali (West), Eksar Road,
Junction, Mumbai,
Maharashtra 400 094.
27. AU Small Finance Bank,
Ground Floor, Rustonjee Central Park,
Andheri - Kurla Road, B Wing,
Chakala, Andheri East,
Mumbai, Maharashtra 400 093.Respondents

Mr. Rudresh Jagdale, i/b. Mr. Rohit Mangsule, for the Petitioner.

Ms. S. S. Kaushik, APP, for Respondent-State.

Mr. Vishal Tambat with Ms. Chaitali Bhogle, Mr. Rochelle Fernandes
& Mr. Rishabh Tiwari, for the Respondent No.5.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 8th APRIL 2025.

P.C.:-

1. By this Petition, the Petitioner essentially seeks a direction to the Respondent No. 1 to defreeze its bank account No. XXXXXXXXXXXX005 held with the Respondent No. 5, i.e., Saraswat Bank, Charkop, Kandivali (W), Mumbai; and to direct the Respondent Nos.5 to 27, to confine the order of freeze only to the extent of the amounts mentioned in the notices/order/requisition issued to them by the Police Authorities.

2. The Petitioner is a private limited company registered under the Companies Act, 2013. The Respondent No.1 is the State of Maharashtra. The Respondent No.5 is Saraswat Co-operative Bank Ltd. and Respondent Nos.6 to 27 are Banking Institutions where the Petitioner has a running account and has on various occasions in the past marked debit freeze on the account of the Petitioner on the basis of the instructions of various Investigating Agencies.

3. It is the Petitioner's case that it has suffered from similar instances where its bank accounts were frozen under Section 91 of the

Code of Criminal Procedure ('Cr.P.C.') equivalent to Section 94 of the Bharatiya Nagarik Suraksha Sanhita ('BNSS'), when it was not even arrayed as an accused or was complacent to the transactions. It is the Petitioner's case that as a result of such freezing of bank accounts, the Petitioner is suffering not only hardship, but the same is also hindering the Petitioner's right to conduct its business. Hence, this Petition.

4. Mr. Rudresh Jagdale, learned counsel for the Petitioner submits that the Petitioner's accounts were frozen as a result of the directions issued by the Police Authorities. It is his contention that under Section 91 of Cr.P.C./Section 94 of BNSS, there is no authority granted to issue directions for freezing of accounts. Further, the Petitioner has not received any notice/communication from the Authorities or the Respondent Banks when its accounts were frozen, which is against the settled principles of law.

5. Heard learned counsel for the respective parties and have perused the papers with their assistance.

6. According to Ms. S. S. Kaushik, learned APP, the amount involved in the fraud is Rs.2,00,000/- insofar as the Respondent No.5-

Saraswat Bank is concerned. Despite this, the entire account is frozen. Similarly, without taking into consideration the actual amount involved in the fraud, the Petitioner has suffered such actions in respect of other bank accounts as well in the past. This caused loss of business and reputation of the Petitioner. In view of the peculiar facts and circumstances in the present case and that the amounts involved can be secured by creating a lien to the extent of that amount, we are of the considered opinion that the bank account of the Petitioner must be defreezed after creating a lien on the account to the extent of the fraud involved.

7. Hence, we pass the following order:

ORDER

- i) The Petition is allowed;
- ii) Accordingly, we direct the Respondent No. 1- Cyber Crime Police Station, Pimpri Chinchwad Police Commissionerate to defreeze the bank account No. XXXXXXXXXXXXX005 of the Petitioner, held with the Respondent No. 5- The Saraswat Bank, Charkop, Kandivali (W), Mumbai, after

creating a lien on the said account for an amount of Rs. 2,00,000/-, which is the subject matter of the alleged fraud;

iii) As far as the other account/s of the Petitioner with the Respondents is concerned, i.e., Respondent Nos. 6 to 27, we direct that a lien be created, only to the extent of the amounts mentioned in the requisition/letter issued to them by the police authorities.

8. We make it clear that we have not gone into the merits of the matter and as such all rights of all the parties are kept open.

9. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)