



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 72 OF 2025.

Rupak Singh.

Versus

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.D.Dhande, Advocate for the Petitioner.

Shri S.M. Ghodeswar, A.P.P. for Respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : MARCH 25, 2025.

P.C.

Heard.

2. The petitioner has sought a declaration that the action undertaken by the respondents in the matter of freezing of his bank account, details of which are narrated in prayer clause [a], as illegal.

3. It appears that an amount to the extent of Rs.10,500/-, which is part of the subject matter of crime being offence

No.103/2024, is apparently received in the account of the petitioner, and as such the account came to be freezed.

4. The learned Counsel for the petitioner submits that there is no iota of evidence to infer that the amount to the extent of Rs.10,500/- received in the account of petitioner was received from any illegal source, however, so as to demonstrate his bonafide, he would claim that he shall forthwith deposit an amount of Rs.10,500/- with the Investigating Officer without prejudice to his rights and contentions, not only in the present petition, but, also in case if he is required to face the prosecution on merits. According to him, he is depositing the said amount with an intention to make the account mentioned in prayer clause [a] operational, which is necessary for his day to day affairs.

5. To substantiate his aforesaid contention, support is drawn from the Division Bench judgment of this Court in case of **Ishwar Marotrao Kumbhare .vrs. State of Maharashtra and another** reported at **2022 [6] Mh.L.J.(Cri) 631**. He would claim that freezing of the account of the petitioner to the extent of entire

amount of cash involved in the offence in question is of Rs.20 lakhs and odd, which cannot be sustained.

5. As against this, Shri Ghodeswar, the learned A.P.P. submits that the petitioner has cooperated in the investigation, however, he was unable to answer the issue as regards the source of amount of Rs.10,500/- which was received in one of his bank account. According to the learned A.P.P., once the amount of Rs.10,500/- is secured, the bank account of the petitioner can be de-freezed. However, Shri Ghodeswar, the learned A.P.P. would claim that in case if in future some additional amount is found to be received in the account of the petitioner, a written notice/intimation of the same shall be served on the petitioner before ordering freezing of the account.

6. In this background, we deem it appropriate to allow the present petition, thereby directing the petitioner to deposit an amount of Rs.10,500/- with the Investigating Officer voluntarily and we accept the statement made by the learned Counsel for the petitioner to that effect as an undertaking to the Court. In that view of the matter and keeping right of the respondents reserved, as

claimed by the learned A.P.P. stated herein above, we direct de-freezing of the account of petitioner as mentioned in prayer clause [a].

7. Criminal Writ Petition is accordingly disposed of.

(MRS.VRUSHALI V. JOSHI, J) (NITIN W. SAMBRE, J)