



Crl.O.P.No.25487 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25487 of 2025

Sathiya @ Sivaprakasam

... Petitioner

Vs.

1.State by
Inspector of Police
P2 Otteri Police Station, Chennai
(Cr.No.1340 of 2024)

2. The Branch Manager
Axis Bank
Choolaimedu Branch
No.242, Choolaimedu High Road
Choolaimedu, Chennai - 600 094

... Respondents

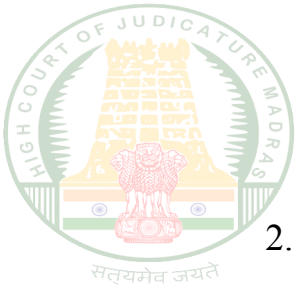
PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, directing the respondents 1 & 2 to defreeze the petitioner's Bank Account No.922020006841101 in the 2nd respondent bank forthwith.

For Petitioner : M/s.K.Sruthi

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)

ORDER

This Petition has been filed to direct the respondents to defreeze the petitioner's Bank Account No.922020006841101 in the 2nd respondent bank forthwith



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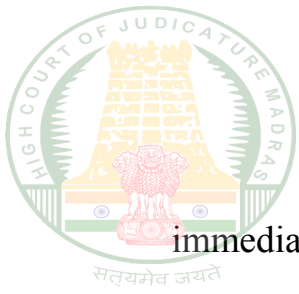
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2. The case of the petitioner is that an FIR came to be registered in Cr.No.1340 of 2024 against the petitioner on 09.12.2024. Thereafter the petitioner having been in incarceration, moved bail application and released on bail. Having complied with the order the second respondent Bank on 31.12.2024 seems to have taken steps to freeze the Savings Bank Account of the petitioner. Aggrieved by the same, the present petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that freezing of the current bank account by the respondent police is totally unwarranted and the same is violative of the mandatory requirements under section 102 of Cr.P.C.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. Freezing of Bank Accounts has been held to fall within the purview of Section 102 of Code of Criminal Procedure since the Bank Account is treated to be a movable property. Where the Bank Account is freezed without notice to the concerned person and report is not



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immediately sent to the jurisdictional Magistrate Court, the freezing of Bank Accounts gets vitiated and the same requires the interference of the Court.

6. Useful reference can be made to the judgment of the Honourable Supreme Court in the case of State of Maharashtra *Vs. Tapas D. Neogy* reported in 1997 (7) SCC Page 685. This Court has also taken into account the judgment of this Court in the case of *T. Subbulakshmi and another vs. The Commissioner of Police, Chennai-8 and others* reported in 2016 (2) MWN (Cr.) 411.

7. In the present case, the Bank account has been freezed without notice to the petitioner and without a report submitted to the Magistrate. Therefore, the action on the part of the respondent police in freezing the Bank accounts maintained before the 2nd respondent Bank is completely vitiated and it is unsustainable in the eyes of law. Such view of the matter respondent police is directed to send a communication to the second respondent Bank to de-freeze the Bank accounts of the petitioners within a week from today.



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N. SATHISH KUMAR, J.

8. With the above direction, this Criminal Original Petition is allowed.

17.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

1. Inspector of Police
P2 Otteri Police Station, Chennai

2. The Public Prosecutor,
High Court of Madras.

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