



W.P.(MD)No.3432 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.3432 of 2025

Madurai Veeran

... Petitioner

Vs.

1. The Branch Manager
Canara Bank
K.Pudur Branch
No.182/3B, Alagar Kovil Road,
K.Pudur, Madurai

2. The Inspector of Police
D1, Thallakulam Police Station
Thallakulam, Madurai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the second respondent to de-freeze the petitioner's Account No. 110215857464 by the 1st respondent bank and to allow the petitioner to operate the account regularly based on the representation dated 25.01.2025.

For Petitioner : Ms.Manoranjitham

For Respondents : Mr. V.Balasubramanian – for R1
Mr.M.Sakthikumar – for R2
Government Advocate(Crl.side)



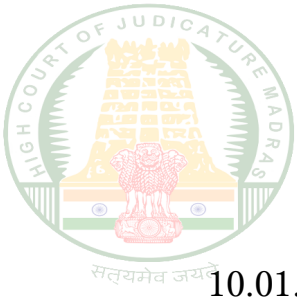
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ORDER

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The prayer sought for in the present writ petition is to direct the second respondent to de-freeze the petitioner's Account No. 110215857464 by the first respondent bank and to allow the petitioner to operate the account regularly based on the representation dated 25.01.2025.

2. The learned counsel appearing for the petitioner would submit that the petitioner is running a club in the name of ' Kadal Recreation Club' and given the said recreation club in the month of December 2024. The petitioner had account in the first respondent bank with account No. 110215857464 for his business purpose and he had deposited a sum of Rs.10,00,000/- on 16.12.2024. While so, a false case has been registered against him in Crime No.1398 of 2024 for the offences under Sections 112,318(4) of BNS and Sections 5, 7(3) of Lotteries Regulation Act,1993 and the petitioner has been arrayed as fourth accused in this case. The petitioner has no nexus with the above said occurrence. This Court has already granted anticipatory bail to the petitioner. While so, the first respondent bank based on the letter given by the second respondent dated



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10.01.2025 frozeed the account of the petitioner. Further the respondent police without following the procedures frozeed the account of the petitioner, therefore this petition has been filed to defreeze the account.

3. The learned Government Advocate(Crl.side) appearing for the second respondent would submit that the petitioner has involved in selling of banned lottery ticket business and thereby he collected amount from the illegal business and the same was deposited in the account of the petitioner, therefore they sent a letter to the bank to freeze the account and based on the request account was frozeed and further the said case is under investigation and hence the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. In this case the respondent police has sent a letter to the first respondent and the first respondent based on the letter sent by the second respondent frozeed the account of the petitioner. The petitioner herein was arrayed as fourth accused. The case has been registered in in Crime



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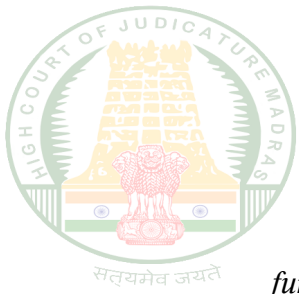
No.1398 of 2024 for the offences under Sections 112,318(4) of BNS and Sections 5, 7(3) of Lotteries Regulation Act,1993 and the respondent police without any materials on assumption issued letter to the first respondent bank to freeze account of the petitioner and based on the request the first respondent/bank also frozen the account of the petitioner. The above said freezing of amount is not intimated to the concerned Court and no procedure contemplated under Section 106 of BNSS have been followed.

6. Section 106 of BNSS reads as follows:

(1)Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2)Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

(3)Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the



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further orders of the Court as to the disposal of the same:

Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 503 and 504 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

7. On a careful reading of the said provisio it is clear that every police officer acting under Section 106 of BNS shall forthwith report the seizure to the Magistrate having jurisdiction but in this case immediately after freezing the account the same has not been reported to the jurisdictional Magistrate.

8. Therefore the police officer has not followed the procedures as contemplated under Section 106 of BNSS. More over there are no materials available to substantiate that the seized property alleged or suspected to have been stolen, or through the commission of any offence the amount has been deposited in the account.



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9. In view of the same the order passed by the second respondent by freezing the amount is set aside and the first respondent is directed to release the amount forthwith. At the same time, the petitioner has to execute a personal bond before the concerned Court for the said amount.

10. Accordingly the Writ Petition stands allowed. No costs.

03.03.2025

NCC : Yes / No

Index : Yes / No

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To

1. The Branch Manager

Canara Bank

K.Pudur Branch

No.182/3B, Alagar Kovil Road,

K.Pudur, Madurai

2. The Inspector of Police

D1, Thallakulam Police Station

Thallakulam, Madurai 3. The Inspector of Police

Aranthangi Police Station

Pudukottai District

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.



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P.DHANABAL, J.

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