Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4968 OF 2021

Deepak Madhavrao Mankar .. Petitioner

Versus

The State of Maharashtra .. Respondent

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- Mr. Prashant Patil a/w Adv. Harshada Parbhane, Advocates for Petitioner.
- Mr. Amit Munde, APP for Respondent.
- PSI Santoshi Jadhav, Samarth Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2026

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mr. Munde, learned APP for Respondent.

SHARADA RANGNATH WAHULE
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2. Mr. Patil has drawn attention to the order at Page No. 24, passed by the Division Bench of this Court in Writ Petition No. 1670 of 2019 along with Writ Petition No. 3741 of 2019, dated 22nd October 2019, wherein the proceedings under the MCOCA initiated against the Petitioner, arising out of C.R. No. 104 of 2018 registered with Samarth Police Station, have been considered. This Court has prima facie held that the MCOCA is not applicable, and a rule has been issued. The said Petitions are pending adjudication.

3. He submits that, by virtue of the Petition of the MCOCA to

the Petitioner, 13 bank accounts of the Petitioner were frozen in the present case, which pertains to the abetment of suicide. The present Writ Petition has been filed seeking appropriate reliefs for defreezing and removal of the attachment on these 13 bank accounts. The details of the 13 bank accounts are given at Page Nos. 19 and 20 and are annexed as Exhibit B-1 to the Petition. The said details are also incorporated in the Petition.

4. Prima facie, it is seen that the prosecution has passed orders for freezing the aforesaid accounts, and the sole reason for doing so was the invocation of the MCOCA against the Petitioner. Considering the order passed by the Division Bench, which prima facie provides substantial grounds for granting interim relief to the Petitioner concerning the applicability of the MCOCA proceedings, this Court is inclined to consider the Petitioner's request for de-freezing the bank accounts.

5. Since, by virtue of the order passed by the Division Bench, the grounds on which the said accounts were initially frozen no longer survive, the freezing of the accounts has become unsustainable in law. In view of the above, the Petition stands allowed in terms of prayer clause (a), which reads as under:

> "(a) That this Hon'ble Court be pleased to issue writ of certiorari or mandamus or any other writ, order or direction calling for the record and proceedings of Special Case No.55 of 2018 pending on the files

of Special MCOCA Judge, Pune and upon examining the legality, correctness, and propriety of the order dated 7th January 2021 passed on Exhibit 126, be pleased to quash and set aside the same;"

6. It is directed that all accounts stated in Exhibit B shall be released from attachment by the prosecution. The bank managers of the concerned banks in which the said accounts are held shall act upon the server-generated or certified copy of this order downloaded from the website of the Bombay High Court. The accounts shall be released from attachment forthwith.

7. The prosecution is also directed to write a letter to all the concerned banks in which the said accounts are held. For no reason shall the banks await any further correspondence from the prosecution. All banks are directed to act upon the server-generated copy of this order forthwith.

8. It is further clarified that all amounts available in the said bank accounts shall now be available for use by the Petitioner.

9. The Petition is allowed and disposed of.

[MILIND N. JADHAV, J.]