HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 6860/2026
CNR: RJHC010785302026 | URN: CRLMP / 12037U / 2026

Prakash Prajapat S/o Bastaram, Aged About 25 Years, R/o, Ashok Nagar, Chandana Bhakhar, Nandanwan, Jodhpur, Rajasthan342008

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Kotak Mahindra Bank, Through Its Branch Manager, Bombay Motor Building, Bombay Motor Circle, 87 B 2 Chopasani Road, Jodhpur, Rajasthan-342003.
3. Deputy Inspector General Of Police, Cyber Crime, Police Headquarters, Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Krishnapal Rathore
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Arpit Mehta for respondent No.2

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

10/08/2026

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking the following reliefs:-

> *"In view of the facts and circumstances stated hereinabove, it is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:*
> *a) Issue an appropriate order or direction directing the respondents, particularly Respondent No.2 - Kotak Mahindra Bank, Bombay Motor Building, Bombay Motor Circle, 87 B2 Chopasani Road, Jodhpur, to forthwith de-freeze/remove the debit freeze/hold/restriction imposed upon the petitioner's Savings Bank Account bearing No. 4046267311 maintained with Kotak Mahindra Bank, Bombay Motor Building, Bombay Motor Circle, 87 B 2 Chopasani Road, Jodhpur, having IFSC Code KKBK0000278, and permit the petitioner to operate the said account in accordance with law;*

b) Direct the respondents not to impose any restriction upon the petitioner's future legitimate deposits/credits in the aforesaid bank account except in accordance with law and pursuant to a valid order passed by the competent authority;
c) Pass an order declaring that the continued freezing of the petitioner's entire Savings Bank Account bearing No. 4046267311 maintained with Kotak Mahindra Bank, Bombay Motor Building, Bombay Motor Circle, 87 B 2 Chopasani Road, Jodhpur, having IFSC Code KKBK0000278, without following the due process of law and despite the alleged disputed amount, if any, being identifiable and separable, is arbitrary, illegal and unsustainable in law;"

2. Having considered the facts and circumstances of the case, this Court deems it just and proper to dispose of this writ petition with a direction to the Kotak Mahindra Bank (Respondent No.2) to keep the disputed amount (the amount which was transferred illegally in the bank account of the petitioner) frozen and allow the petitioner to make transactions from his bank account from the remaining balance.

3. It is further made clear that in case, the respondent – Bank has not received the information regarding the exact figure of the disputed amount, which the Investigating Officer/Police alleges to be receipt(s) of the offence, the bank shall send a communication to the concerned Investigating Officer/Police, to indicate the amount to be earmarked for lien, while endorsing a copy of the instant order.

4. Upon receipt of such communication/letter, the concerned Investigating Officer/Police shall be under an obligation to apprise the respondent - Bank about the amount to be kept in lien, within a period of seven days of receiving the communication from the respondent - Bank. The respondent – bank shall thereafter do the needful as directed herein above. It is further made clear that in case, the respondent-Bank does not receive any reply from the

concerned Investigating Officer/Police, then it shall be duty bound to act in accordance with the instant order.

5. At this stage, learned counsel for the respondent-Bank submits that in addition to the cyber crime/cyber complain there is another issue which has been raised with respect to petitioner's bank account. The issue is with regard to the internal freezing of the bank account due to certain doubtful entries and declared the profit mismatched.

6. Considering the submission made above, it is hereby directed that the petitioner would be required to submit requisite documents to the Bank. The respondent-Bank shall examine the documents submitted the petitioner and take fresh decision.

7. Stay petition as well as all pending applications, if any, stand disposed of.

(KULDEEP MATHUR),J

32/Dinesh Suthar