

(2022) 05 KAR CK 0007

In the Karnataka High Court

Case No : Writ Petition No. 3013 Of 2022 (GM-POLICE)

M/S. Krishna Engineering & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 12-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 102(3)

Citation : (2022) 05 KAR CK 0007

Hon'ble Judges : S. Sunil Dutt Yadav, J

Bench : Single Bench

Advocate : Ajit Kalyan, Ramesh Gowda A, V. Suresh, H.V. Devaraju

Final Decision : Disposed Of

Judgement

S. Sunil Dutt Yadav, J

1. The petitioner has called in question the action of the respondent-police in freezing its Current Account No.10020388471 maintained with the 3rd respondent-IDFC First Bank, during the course of investigation.

2. It is the stand of the respondent-Bank that account has been frozen in the context of investigation of Crime No.0194/2020.

3. It is the contention of the petitioner that in terms of Section 102 (3) Cr.P.C., the Investigating Officer may give custody of the goods seized to any person on execution of a bond/undertaking to produce the property before the court as and when required.

4. In light of the undertaking of the petitioner that they would furnish bank guarantee for the balance standing to the credit in the account of the petitioner, the action of the respondent in freezing the amount standing to the credit of the petitioner is modified.

5. Accordingly, the seizure/freezing of bank account is lifted subject to the petitioner furnishing bank guarantee to the amount standing to the credit in the

account mentioned.

6. This court in exercise of writ jurisdiction could intervene in the matter and pass order permitting the Investigation Officer to accept the bank guarantee at the instance of the petitioner and order defreezing of account with a direction to the investigating officer to bring it to the notice of the Magistrate.

7. The respondent-police to furnish necessary report to the Magistrate after the petitioner furnishes guarantee and account is defreezed bringing it to the notice that such action has been undertaken pursuant to the order passed by this court.

8. Accordingly, the petition is disposed off.