IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE, AHMEDABAD [R]

Criminal Misc. Application No. 3860 / 2025

Exh.

Applicant/
Accused: **Pratik Yogeshbhai Bhatt**

Age : 38 years,

Resident of : 108, Makeriwad,

Near Chabilla Hanumanji temple,

Raipur Khadia, Ahmedabad.

VERSUS

Opponent :

1. **The State of Gujarat**
   to be served through
   Learned District Government Prosecutor
   at District & Sessions Court,
   Ahmedabad.

2. **Police Inspector**
   DCB Police Station
   Ahmedabad.

APPEARANCE

Learned Advocate for the applicant	:	Mr. A. H. Murjani
Learned DGP for the State	:	Mr. P. M. Trivedi

Subject : Application for getting back Muddamal under section 503 of B.N.S.S.

JUDGEMENT

(1) The applicant has filed the present application under Sections 497 read with 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking release of muddamal property, namely the complainant's money allegedly intercepted and frozen by the police in bank account **No. 50100514917293** with HDFC Bank in connection with FIR No.11191020240478 of 2024 registered at Vastrapur Police Station, Ahmedabad for the offences punishable u/s. 105, 110, 336(2), 336(3), 340(1), 340(2), 318, 61 of B.N.S. It is submitted that the investigation in the said FIR is already completed and charge-sheet has been filed. The applicant, being one of the directors of the hospital, was arraigned as an accused and subsequently released on bail by the Gujarat High Court. The applicant contends that there is no material to show that the alleged amounts received under the PMJAY scheme were fraudulently obtained, and the expert panel opinion relied upon by the prosecution pertains only to limited instances and not the entire revenue. It is further submitted that even assuming irregularities, the alleged revenue forms only a portion of the total income and there is no specific material showing any particular amount received by the applicant personally. The applicant asserts that there is no prima facie connection between the seized money and the alleged offence, and the freezing of the entire bank account is arbitrary. It is also stated that the applicant came to know about such freezing through verbal intimation, and since he has been in custody for more than eight months with no other source of income, the continued seizure of his lifetime savings is unjustified. Therefore, the applicant prays for defreezing the bank account maintained in HDFC bank at Vasna branch, Ahmedabad.

(2) The applicant has produced copy of intimation given by HDFC Bank vide Mark-3/C which was blocked as muddamal in the present case. The applicant has also produced copy of a bank statement and copy of cheque as to confirm the fact that the account which is ordered to be freezed is maintained at Vasna branch, Ahmedabad.

(3) The Investigating Officer has opined that the applicant was serving as a Marketing Manager at Khyati Hospital, and during the course of investigation, it was found that certain amounts were transferred to the applicant's bank account during the period in which the alleged incident occurred. Hence, it is suggested that the bank account may not be permitted to be defreezed.

(4) Here the applicant has prayed for defreezing his account and where the I.O. has simply objected his request. The court has considered the arguments given by the prosecution. Here the court has also considered the facts on hand and documentary evidences produced by applicant. At the same time, if we considered the cardinal Principle laid down in the case of ***Sundarlal T. Desai Vs. State of Gujarat***, then it appears that the account may be defreezed because the investigation is over and charge-sheet is filed. Accordingly, I pass following order below application.

-: O R D E R :-

[1] The present application is hereby allowed. The Investigating Officer is directed to issue necessary instructions to the concerned bank to defreeze the bank account of the applicant named **Pratik Yogeshbhai Bhatt** bearing Account No.**50100514917293** maintained with HDFC Bank, Vasna branch at HDFC Bank Ltd., Shop No.3-4, Haash Business Centre, Near Ankur school, Paldi, Vasna, Ahmedabad-380007. The defreezing of the said account is subject to the following conditions:

1. The applicant shall not use the said bank account for any illegal or unlawful activity.
2. The applicant shall not indulge in any transaction which may amount to tampering with evidence or which may adversely affect the investigation or trial.
3. The applicant shall cooperate with the Investigating Agency and shall furnish bank statements or any required details as and when called upon to do so.
4. The applicant shall not dispute the identity or existence of the transactions already recorded in the said account during the relevant period of investigation.

5. The applicant shall abide by any further directions that may be issued by this Court in respect of the said account.

It is clarified that this order is passed without expressing any opinion on the merits of the case.

Signed & Pronounced in the open Court today on 24th day of March, 2026.

Date : 24/03/2026.
Place: Ahmedabad.

R.R.Dave, PS

(Mr. Advait Surendra Vyas)
5th Additional Sessions Judge,
(Unique ID Code: GJ00709)