

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

Criminal Misc. Application No. 3861 / 2025

Exh.

Applicant/

Accused: Chirag Hirasingh Rajput

Age : 48 years,

Resident of : B-31, Rivera Blue,

Opp. Vodafone House, Makarba,

Sarkhej, 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.

J U D G E M E N T

- (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 lying in and seized from bank account no. **50100153916572** with HDFC Bank, in connection with FIR No. 11191020240478 of 2024 registered at Vastrapur Police Station, Ahmedabad for offences punishable under Sec. 105, 110, 336(2), 336(3), 340(1), 340(2), 318, 61 of B.N.S. The applicant submits that investigation in the said FIR is complete and charge-sheet has already been filed, yet the bank account remains frozen pursuant to directions from DCB Police Station. As per the prosecution case, the applicant, being a director of Khyati Hospital, is alleged to have been involved in generating revenue through unnecessary medical procedures under the PMJAY scheme; however, it is contended that such allegations are unsubstantiated, as no material shows that earlier procedures were faulty or that the income was illegally derived, and even the expert panel examined only limited cases. It is further submitted that the alleged PMJAY revenue constitutes only 26.11% of the hospital's total revenue and no specific amount is attributed to the applicant, making the blanket freezing of his bank account unjustified. The applicant, who has already been granted bail by the Hon'ble High Court and was in custody for a considerable

period, asserts that the seized amount represents his lifetime savings, has no nexus with the alleged offence, and is not required for further investigation. Relying on the judgment in *Sunderbhai Ambalal Desai vs. State of Gujarat*, it is argued that such property should not be unnecessarily retained during trial. Ld. Advocate has also argued that there is no proof that the account was used for purpose of securing so-called amount in offence. I am getting my salary from this account. My personal account is freezed and in case the action of freezing the account may justify if it is absolutely for Khyati hospital. This court has also defreezed the account of co-accused Rajshriben Kothari. Accordingly, the applicant prays for de-freezing of the bank account maintained in HDFC bank at Vejalpur branch, Vastrapur, 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 Vejalpur branch, Vastrapur, Ahmedabad.
- (3) The Investigating Officer has stated that the applicant was serving as a Director at Khyati Hospital, and upon audit, it has been found that an amount of Rs. 2,27,37,146/- was transferred to the applicant's bank account from the hospital account as well as through other modes. The said transactions appear to be indicative of financial misappropriation,

and therefore, it is suggested that the bank account should 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 **Chirag Hirasingh Rajput** bearing Account No. **50100153916572** maintained with HDFC Bank, Vejalpur branch at Abhishilp Shop No.1&2, Opp. Vishweshwar Mahadev temple, Judges Bungalow road, Vastrapur, Ahmedabad-380015. 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 this 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)