

ORDER BELOW EXH.290

[Passed on 26.08.2025]

1. This is an application filed by Ld. Counsel for the accused No. 1 under section 497 of BNNS (451 of Cr.P.C.) to deefreeze the account of accused No. 1 maintained with HDFC bank branch Bhusaval. Perused the application and say filed by Ld. APP at Exh. 299.

2. It is the contention of the Ld. Counsel for the accused No. 1 that the accused No. 1 was granted temporary bail from Nagpur Bench of Hon'ble Bombay High Court on 16.06.2024 for 8 weeks to undergo the bypass surgery at private hospital. The Doctor has advised the accused to conduct the various medical tests for the purpose of bypass surgery. The medical tests and bypass surgery required lot of expenditure for which the accused needs to take loan from his relatives and his well wisher. The amount to be given by relatives of the accused to him would be transferred to the account of the accused online and for that purpose the account freezed by police authority is required to be deefreezed. No prejudice would be caused to the prosecution if account of the accused is deefreezed. On the contrary the transaction can be done from the account of the accused which facilitated the surgery of the accused. Hence, Ld. Counsel for the accused prayed for allowing the application.

3. Ld. APP strongly opposed the application and submitted that the application filed by the accused is only to

garner the sympathy of the court. The accused has transferred the amount from account while committing the offence. On various occasion the accused approached to the High Court which required lot of expenses. It means that the accused has amount and money in hand. The accused has cheated the people to the tune of Crore. The accused has not only cheated the simple people but also cheated the Government by causing economical loss to the Government of Maharashtra. The contention made in the application of the accused is false. Hence, Ld. App prayed for rejection of the application.

4. heard Ld. Counsel for the accused and Ld. APP.

5. It is a matter of record that Hon'ble Nagpur Bench of Bombay High Court has granted to the accused temporary bail for 8 weeks to undergone the bypass surgery at Private Hospital. The account of the accused is freezed after commission of the alleged offence with allegation that the accused has transferred the amount from his account of the bank. The accused come with the case that he required lot of expenditure for bypass surgery and he need to take loan from relatives who are willing to transfer the amount to his account. Ld. Counsel for the accused argued that the accused has tried to open the account with 4 to 5 banks but he could not open the account due to the cases pending against him. The Ld. Counsel for the accused further argued that the doctor who would perform the bypass surgery accepted the online money and do not accept the cash amount.

6. Ld. Counsel for the accused did not submit any documentary evidence with respect to his contention that doctor who performed the surgery only accept the amount transferred by way of online. Moreover, no documentary evidence has been furnished by the accused that his application for opening the new account was rejected due to pending case against him. Account which was sought to be deefreezed is the account from which the amount was transferred and accepted by the accused while committing the offence. Therefore, misuse of the deefreezed account cannot be permitted. The accused can open the new bank account with any bank to cater his needs for paying the online amount to the doctor who performed the bypass surgery. Therefore, in view of above reason I am not inclined to allow this application and proceed to pass following order.

ORDER

Application is rejected.

[N. D. Meshram]

Judicial Magistrate First Class,
1st Court, Shegaon, Dist. Buldana.

Date : 26.08.2025

I, *P. K. Ingle*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.