



**Spl. Case No.18/2024**  
CNR No. MHPU01-021036-2024

**Jaykumar Narayan Thorat**

**Vs.**

**C.B.I. A.C.B., Pune.**

**ORDER BELOW EXH.03**

Applicant **Jaykumar Narayan Thorat** has filed this application and prayed to de-freeze the bank account and locker freezed by CBI, ACB , Pune in RC No. 122/2022/A/0006 and to return his cell phone, insurance policies, bills of jewelry, loan papers, other consumer goods and papers of immovable assets seized during his house search.

2] It is the contention of applicant that during the house search on 9/9/2022 the investigating officer of CBI/ACB, Pune freezed his bank account and locker. There is no any other crime registered against him nor any inquiry in respect of disproportionate assets is pending. The C.B.I/A.C.B. has conducted necessary panchnamas in respect of the locker and amount freezed in his saving account. The previous application filed by the applicant was rejected on 12/12/2023 on the ground that investigation is not completed in the said crime. Now the investigation is completed and there is nothing in the charge-sheet which is adverse against the applicant to release freezed amount, locker and important documents. He is ready and willing to abide by any terms and conditions imposed by this Court while revoking the bank accounts and de-freezing the

locker. The applicant therefore prayed to de-freeze the bank account and locker and return the papers mentioned as under:

- (i) Saving Account No. 30276214244 of State Bank of India, Treasury Branch, Station Road, Pune. Amount of Rs. 1,14,158/- dt. 20/9/2022.
- (ii) One locker bearing No. 794 at Bank of Baroda, Camp Branch, Pune.
- (iii) Seized Cell Phone of applicant i.e. Apple I-phone-X.
- (iv) One bunch of papers related to Insurance Policies Page No.1 to 35, one bunch of papers containing bills of jewellery, loan papers and other consumer goods etc., Page No. 1 to 41, and one bunch of papers of immovable assets Page No. 1 to 179 seized by CBI.

3] It is the contention of applicant that there is no any source of income to him and he has to withdraw amount from his bank account for his daily expenses and for the treatment of his wife who is suffering from Blood Cancer. If aforesaid account and lockers are not revoked it will become highly impossible for him to maintain his family, to deposit fees of his children who are taking education and to purchase any article which are necessary for his daily domestic use. The important phone numbers, details of Bank accounts etc. are stored in his phone. Therefore, he is in dire need of his cell phone. As such, the applicant prayed to allow the application.

4] On the other hand the CBI filed say/reply to the said application and it is the contention of the CBI that in the

present case on 19/9/2022 CBI team led a trap and apprehended the accused person namely Naresh Badawath, ITS, Assistant Divisional Engineer, DOT, Pune and applicant Jaykumar Thorat, Director (T), O/o Advisor, MHLA, DOT, Pune on the spot while demanding and accepting the undue advantage of Rs. 1 Lakh from the complainant Nitin Mansingh Jagtap, Nodel Officer of Hindavi Telecom Pvt. Ltd, Vadaki, Pune. After obtaining the prosecution sanction order as mandated u.s. 19 of P.C. Act against both accused, the chare-sheet was filed on 20/12/2023 before this Hon'ble Court. The scrutiny of seized documents is under process for disproportionate assets angle and the same may required some time. Once the same is finalized CBI will submit the report hence, prayed that at this stage application deserves to be rejected.

5] So far as the present application is concerned the applicant/accused is praying for revocation/de-freezing of bank account as well as locker and to return the papers as well as his cell phone. It is the contention of the applicant that he has to withdraw the amount to maintain his family and to deposit fees of his children who are taking education. It is also the contention of applicant that he has to withdraw the amount for medical treatment of his wife who is suffering from Blood Cancer. To support his contention the applicant has filed on record the certificate of medical officer. It is to be noted and as per the contention of applicant/accused the earlier application was rejected on the ground that investigation in the said crime was not completed and the sanction orders to prosecute against

the accused were not obtained. Now the sanction orders under Section 19 of P. C. Act to prosecute against both the accused were obtained and chare-sheet is filed on 12/12/2023. At the same time as per the contention of applicant/accused not a single time he was called by CBI for investigation in respect of disproportionate assets case. So also the CBI has not expressed anything in their say about the disproportionate assets case, in fact sought time for the same. Further CBI was granted time but it failed to file anything on record regarding disproportionate assets case against present applicant. Apart from this CBI has not resisted at strength regarding de-freezing of locker of applicant and also not stated anything whether the documents sought by the applicant and other articles are relied upon in the present case. However, in respect of I-phone of applicant/accused, it is the contention of CBI that it was seized during investigation and it consists of call recording between both accused and complainant and hence strongly objected to release the same. Therefore, considering above all the aspects I am of the opinion that except I phone of Apple company of applicant there is no real resistance on the part of CBI to release the documents as sought by the applicant and the de-freezing of his saving account maintained at SBI treasury branch, station road, Pune and the locker at Bank of Baroda, Camp branch, Pune. Hence I pass the following order.

#### **ORDER**

- 1] Application (Exh.3) is hereby partly allowed.
- 2] The saving account bearing no. 30276214244 of

applicant maintained at State Bank of India, Treasury branch, station road, Pune be de-frozen and bank official concern is directed to release the amount specifically mentioned in para no.2(i) of this order.

- 3] The locker bearing no.794 of applicant at Bank of Baroda, Camp branch, Pune as mentioned in para no.2(ii) of this order be de-frozen.
- 4] State Bank of India, Treasury branch, station road, Pune and Bank of Baroda, Camp branch, Pune are further directed to submit their compliance report to this court.
- 5] CBI is directed to return the documents of the applicant as specifically mentioned in para no.2(iv) of this order which were seized during investigation of the present case.
- 6] The prayer regarding release of cell phone (Apple I phone -X) of applicant is hereby rejected.

**Date : 10/06/2024**

**[A.S.Waghmare]  
Special Judge, CBI, ACB, Pune.**