HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Writ Petition No. 869/2026

Akash Joshi S/o Dilip Chand Joshi, Aged About 31 Years, Joshi Mohalla Jaitaran Pali Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Cici Bank Ltd., Through Branch Manager Nimaz Road Jaitaran Pali
3. Icici Bank, Through Branch Manager Plot No. 1267 Gateway Jubilee Hills Hyderabad Telangana
4. Officer In Charge, Parnashree Police Station Kolkata 700060

----Respondents

For Petitioner(s)	:	Mr. Anirudh Bhati
For Respondent(s)	:	Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The present writ petition has been filed invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking issuance of appropriate writ, order or direction against the respondents with regard to the action of the respondent bank in marking lien/freezing funds in the petitioner’s bank account to an extent alleged to be in excess of the amount under dispute.

2. Briefly stated, the case of the petitioner is that a cyber fraud complaint came to be lodged before the concerned police authorities alleging wrongful loss suffered by the complainant on

account of online cheating. During the course of inquiry into the said complaint, a transaction of ₹4,000/- in the petitioner's bank account bearing No. 007601562272 maintained with ICICI Bank was subjected to scrutiny. Out of the said transaction, an amount of ₹3,567/- was identified as the disputed amount. It is the case of the petitioner that despite the disputed amount being limited to ₹3,567/-, the respondent bank proceeded to mark lien and freeze an amount substantially higher, approximately ranging between ₹90,000/- to ₹1,00,000/-, thereby restraining the petitioner from operating his bank account. Aggrieved by such action, the petitioner has approached this Court by way of the present writ petition.

3. Learned counsel for the petitioner submits that the action of the respondent bank in freezing funds far exceeding the disputed amount is arbitrary and without authority of law. It is contended that even assuming that the transaction in question is under investigation, at best the lien could have been restricted only to the disputed amount of ₹3,567/-. Learned counsel submits that placing a lien over an amount several times higher than the disputed sum amounts to an unreasonable and disproportionate restriction upon the petitioner's lawful access to his own funds. It is further submitted that the petitioner is ready and willing to cooperate with the investigating agency and has no objection if the disputed amount of ₹3,567/- is retained under lien for the purposes of investigation.

4. Learned Public Prosecutor appearing for the State submits that the matter pertains to a cyber fraud complaint under inquiry and the investigating agency is examining the financial trail. However, learned Public Prosecutor does not seriously oppose the prayer of the petitioner to the extent that the lien may be confined to the disputed amount.

5. Having considered the submissions advanced and having perused the material placed on record, this Court finds that the amount identified in connection with the transaction under scrutiny is ₹3,567/-. The restriction imposed by the respondent bank over funds far exceeding the said amount appears to be disproportionate and not commensurate with the limited disputed sum involved in the transaction. While the investigating agency is certainly entitled to safeguard the disputed amount pending inquiry, freezing an amount substantially beyond the disputed sum cannot be justified in the absence of any specific direction or material indicating involvement of the larger balance.

6. In the considered opinion of this Court, the ends of justice would be adequately served if the respondent bank is directed to confine the lien only to the disputed amount and release the remaining funds in the petitioner’s bank account.

7. Accordingly, the writ petition deserves to be and is hereby allowed. The respondent bank is directed to retain only the disputed amount of ₹3,567/- under lien in the petitioner’s bank account bearing No. 007601562272 (IFSC: ICIC0000076) and to forthwith remove/release the excess amount presently marked

under lien, thereby permitting the petitioner to operate the account to the extent of the balance amount.

8. Needless to observe, the petitioner shall cooperate with the investigating agency, if so required, in connection with the cyber fraud complaint.

(FARJAND ALI),J

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