**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 2128/2026

Lalit Swami S/o Shri Rakesh Swami, Aged About 20 Years, R/o Ward No. 6, Pink House Road, Jeevan Hospital Sikar, Post Sikar, Distt. Sikar-332001 Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Department Of Home, Secretariat, Jaipur
2. Rbi Regional Head, Regional Office Rambagh Circle, Tonk Road, Jaipur, Rajasthan.
3. The Branch Manager, Head Office, Bank Of Baroda, Baroda Bhawan, 7 Th Floor, R.c. Datt Road, Vadodara, Gujarat 390007.
4. The Branch Manager, Bank Of Baroda, Muslim Mohalla Branch, Sikar, Distt. Sikar (Raj.)
5. The Station House Officer, Cyber Crime, Police Station Sulthan Bathery, Distt. Wayanad, Kerala.

----Respondents

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| For Petitioner(s) | : | Mr. Fatehchand Saini |
| For Respondent(s) | : | Ms. Sunita Meena for<br>Mr. Bhuwnesh Sharma, AAG<br>Mr. Laxmikant Sharma for<br>Mr. Ram Naresh Vijay |

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**HON'BLE MR. JUSTICE ANUROOP SINGHI**

**Order**

**17/02/2026**

**1.** The present writ petition has been filed with the following prayers:

> *"It is therefore, respectfully prayed that your Lordships may kindly pleased to call for the entire record of the case, examine the same and allow the writ petition by passing an appropriate writ, order or direction:-*
>
> *i) by an appropriate writ order or direction the respondents be directed to immediately unfreeze the Savings Bank Account No. 18718100004029 of the*

*petitioner and allow him to operate the said account without any restriction;*

*ii) by an appropriate writ order or direction the respondents be directed to provide complete details of the alleged cyber complaint along with the name of the complainant and nature of complaint to the petitioner;*

*iii) by an appropriate writ order or direction the respondent No. 2 be directed to issue necessary guidelines to all banks to ensure that no bank account is frozen without providing show cause notice and opportunity of hearing to the account holder;*

*iv) Any other order which this Hon'ble Court deems fit in the facts and circumstances of the case may also be passed in favour of the petitioner,"*

**2.** Learned counsel for the petitioner submits that the petitioner has never misused the aforesaid bank account for the purpose of illegal transactions and has not committed any cyber crime and has no relation whatsoever to the alleged fraudulent transaction(s).

**3.** Learned counsel also submits that the petitioner is ready and willing to co-operate with the Investigating Agencies and will appear before the Bank Authorities and the Investigating Agencies as and when called upon.

**4.** Therefore, learned counsel prays that while the disputed amount which has been received in the petitioner's account may be frozen, the amount other than the disputed amount may kindly be allowed to be withdrawn and the petitioner may be allowed to operate and carry out the banking transactions from the said bank account.

**5.** *Per contra*, learned counsel for the respondent – Bank submits that, as per the information received, the disputed amount credited in the petitioner's bank account is Rs.13811.61 and the bank account of the petitioner has been freezed on the instructions of Cyber police Department, Thiuvananthpuram vide Notice under Section 168 of Bharatiya Nagarik Suraksha Sanhita, 2023 and cyber Crime Acknowledgment Number 31506250012767.

**6.** Learned counsel for the respondent – Bank further submits that the petitioner may be directed not to discontinue the bank account until the investigation is completed or the criminal case is decided.

**7.** Learned counsel for the respondent – State submits that as the petitioner is the beneficiary of an amount involved in a financial cyber fraud complaint and the investigation is undergoing, no interference is called for at this stage.

**8.** Learned counsel for the petitioner agrees with the submissions made by learned counsel for the respondent – Bank.

**9.** Heard learned counsel for the parties.

**10.** In view of the submissions so made, this Court is of the considered view that merely because a certain amount has been transferred to the petitioner's bank account in an alleged fraudulent transaction, the act of freezing the entire bank account and imposing complete restriction on banking transactions at this stage will seriously prejudice the rights of the petitioner. At the most, the Bank can keep a lien on the amount to the extent it relates to the alleged fraudulent transaction(s) credited in the petitioner's bank account.

**11.** Consequently, this writ petition is **disposed of** with a direction to the respondent – Bank to de-freeze the bank account

No. 18718100004029 of the petitioner maintained at Bank of Baroda at Sikar Branch and the petitioner may be allowed to operate and carry out banking transactions in the said bank account over and above the disputed amount, in accordance with law. However, the disputed amount i.e., Rs.13811.61 which has been credited in the petitioner's bank account in connection with the alleged fraudulent transaction(s) shall remain frozen.

**12.** It is made clear that the petitioner will co-operate with the Bank Authorities and the Investigating Agencies and will appear before them as and when required. It is also ordered that the petitioner shall not close or discontinue the bank account till the Investigating Agencies and Bank Authorities permit the petitioner to do so.

**13.** It is further ordered that after investigation, if the involvement of the petitioner is found in any illegal transaction, the petitioner shall be liable to pay amount involved in the aforesaid illegal transaction and will face inquiry/investigation as per law.

**14.** Needless to say, that this order has been passed only in the context of de-freezing of the bank account of the petitioner and in no manner is to be construed as any determination with respect to the merits of the financial cyber fraud complaint under question.

**15.** Pending application(s), if any, shall stand disposed of accordingly.

**(ANUROOP SINGHI),J**

DANISH USMANI /27