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

S.B. Civil Writ Petition No. 6717/2026

Abhishek Kumawat S/o Chhitar Lal Kumawat, Aged About 25 Years, R/o Kumawat Mohlla, Geroli, Tonk, Rajasthan- 304001

----Petitioner

Versus

1. State of Rajasthan, Through Its Principal Secretary, Department Of Home Affairs Having Its Office At Secretariat, Government Of Rajasthan, Jaipur (Raj.)
2. Reserve Bank of India, Through Its Regional Director, Having Its Office At Rambagh Circle, Tonk Road, Jaipur (Raj.)
3. State Bank of India, Through Its Branch Manager, Village Post Bharni, Gram Panchayat Bharni, Tonk, Rajasthan.
4. DIG Cyber Crime Cell, Police Commissionerate, Khasa Kothi, M.i. Road, Jaipur (Rajasthan)

----Respondents

For Petitioner(s)	:	Mr. Prashant Sharma, Advocate & Mr. Sunil Kumar Jangid, Advocate
For Respondent(s)	:	Mr. Bhuwnesh Sharma, A.A.G. with Ms. Devakriti Vashistha, AAAG Mr. Vibhanshu Sharma, Advocate for Ms. Anita Agarwal, Advocate

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HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

07/05/2026

The present writ petition has been filed on behalf of the petitioner with the following prayers:-

> "a) By issue a writ in the nature of mandamus or any other appropriate writ, order direction commanding the respondent bank to immediately unfreeze the petitioner's Saving Account No.41776699033 having IFSC Code SBIN0032427 at branch Bharni, Tonk. It is further prayed that after holding the disputed amount i.e. Rs.4,050/-, the rest amount of petitioner may be released.
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> b) By directing the respondent bank to provide written reasons for the freezing of the account and any communication received from Cyber Crime authorities, if any.
>
> c) Declare that the action of the respondent bank is arbitrary illegal and violative of Article 14 19(1) (g) and 300A of the Constitution of India.

d) Any other order which this Hon'ble Court deems fit may also be passed in favour of petitioner.

e) Cost of the writ petition also be awarded."

Learned counsel appearing for the petitioner submits that the petitioner has never misused the aforesaid bank account for the purpose of illegal transactions has not committed any cyber crime and has no relation whatsoever to the alleged fraudulent transaction(s). Counsel further submits that no notice or opportunity of hearing was given to the petitioner prior to seizure of his bank account. Counsel further submits that petitioner is ready & willing to co-operate with the Investigating Agencies and will appear before the bank authorities and the Investigating Agencies as and when called upon. Therefore, while the disputed amount which has been received in the petitioner's bank 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.

Per-*contra*, learned counsel appearing for the respondents submits that the disputed amount i.e. Rs.4050/- and the bank account of the petitioner has been frozen strictly in compliance of financial cyber fraud complaint(s). Counsel 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. Counsel also 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.

Learned counsel appearing for the petitioner agrees not to discontinue the bank account until the investigation is complete.

Heard learned counsel appearing for the parties & perused the material made available on record.

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.

Consequently, the present writ petition is **disposed of** with a direction to the respondent-bank to de-freeze the bank account No. *41776699033* of the petitioner maintained at State Bank of India, Branch at Village & Post Bharni Gram Panchayat Bharni, Tonk, positively within a period of three days from the date of submission of certified copy of this order and the petitioner may be allowed to operate & 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.4050/- which has been credited in the petitioner's bank account in connection with the alleged fraudulent transaction(s) shall remain frozen.

It is make 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.

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.

Needles 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.

Additionally, it is directed that the petitioner shall ensure that all the compliances required for maintaining and operating the bank account with the respondent-bank are duly complied with.

Pending application, if any, also stands disposed of accordingly.

(VINOD KUMAR BHARWANI),J

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