

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 306 of 2024**=====
MADHURILATA SURESH BHATNAGAR

Versus

CENTRAL BUREAU OF INVESTIGATION & ANR.
=====

Appearance:

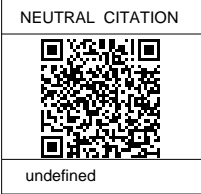
MR M.R. BHATT SENIOR ADVOCATE WITH MUNJAAL M BHATT(8283) for
the Applicant(s) No. 1

MR RC KODEKAR(1395) for the Respondent(s) No. 1

MR HARDIK MEHTA APP for the Respondent(s) No. 2
=====**CORAM:HONOURABLE MS. JUSTICE GITA GOPI****Date : 20/06/2024****ORAL ORDER**

1. The prayer is made to quash and set aside the order dated 10.01.2024 passed in Criminal Misc. Application No.4455 of 2023 in ACB Special Case No.03 of 2020 by the Principal District & Sessions Judge, Ahmedabad (Rural).

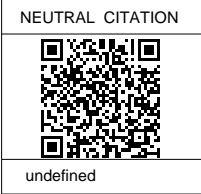
2. It is submitted by Senior Advocate Mr. M.R. Bhatt that the impugned order, defreezes the accounts of the petitioner is subjected to producing Bank Guarantee. Senior advocate Mr. Bhatt stated that the Court has failed to



appreciate the fact that by imposing the condition of furnishing Bank Guarantee, it will nullify the relief granted in the impugned order, since furnishing the Bank Guarantee requires to park funds with the requisite Bank.

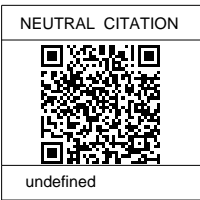
2.1 Senior advocate Mr. Bhatt stated that petitioner has not been named in the FIR, nor in the charge-sheet and investigation is almost complete. The unrealistic condition of defreezing would cause prejudice to the senior citizen, who has no connection with the purported crime, and she requires funds for her medical needs and personal use.

3. Mr. R.C. Kodekar, learned counsel for Central Bureau of Investigation, relying on the affidavit filed by Additional Superintendent of Police, submitted that the case came to be registered on the basis of reliable source information. Mr. Kodekar stated that the case



came to be registered as Case No.RC0292018A0006 on 26.03.2018 against M/s. Diamond Power Infrastructure Limited (DPIL), Vadodara, Gujarat. The founder of the company and Managing Director, and others have been joined for the offences punishable under sections 120B read with section 420, 467, 468 and 471 of Indian Penal Code, and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988.

3.1 Learned counsel Mr. Kodekar submitted that there are material evidence against the chargesheeted persons, and it is a case of the C.B.I. that the amount, which is in the Bank Accounts/FDs/TDs are the proceeds of the crime. Mr. Kodekar submitted that the concerned Court has very relevantly passed an order of providing Bank Guarantee for the accounts, as referred, which is Bank Account/FDs/TDs. Mr. Kodekar further stated that some of the FDs and TDs are in the joint name, and one of the F.D. is in the

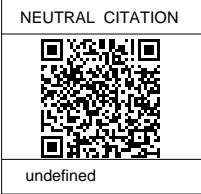


name of the trust, and, thus submitted that the application be rejected.

4. The impugned order reflect the reasons under which the application came to be granted, and the Bank Account/FDR/TDs, as referred in Serial No.1 to 9 of the order, has been ordered to be defreezed, however, with condition that those would be defreezed only on production of the Bank Guarantee to the extent of Rs.2,45,98,000/- for the period of five years. The total amount of the referred accounts at Serial No.1 to 9 is Rs.2,45,97,038.96/-.

5. Under Rule of the Banking Act, for the production of the Bank Guarantee, the person concerned would have to deposit funds with the Bank. The amount would be creating hardship to the applicant lady and such condition would then become onerous.

6. Since, the applicant is not accused in



the matter, and the Bank Account/FDs/TDs are for her own personal need, connected with others, and taking into consideration the age of the applicant as 76 years, she would be in need of money; however, in case of any evidence on record by the C.B.I. that the amount is connected with the alleged offences in connection to the complaint lodged, then to ensure that the said amount be secured during the trial, let the applicant file a personal bond to the said amount of Rs.2,45,97,038.96/- before the C.B.I. Court.

7. The impugned order dated 10.01.2024 passed in Criminal Misc. Application No.4455 of 2023 in ACB Special Case No.03 of 2020 stands modified in the same way. The application stands disposed of. Direct service is permitted.

Pankaj

(GITA GOPI,J)