



HC-KAR

NC: 2025:KHC:46779
WP No. 29349 of 2025
C/W
WP No. 28796/2025,

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 29349 OF 2025 (GM-RES)

C/W

WRIT PETITION NO. 28796 OF 2025 (GM-RES)

IN W.P.No. 29349/2025

BETWEEN:

SURYA ENTERPRISES
R/P BY ITS PROPRIETOR
SAI PRAJWAL S/O JAYARAM
AGE ABOUT 40 YEARS
OCC BUSINESS
R/A 173/5 5TH MAIN 1ST PHASE
OPPOSITE CITY HOSPITAL
MANJUNATH NAGAR
BENGALORE NORTH
BENGALURU KARNATAKA - 560 010.

...PETITIONER

(BY SRI. RAMESH YANKOB., ADVOCATE FOR
SRI. SHIVANINGAPPA NADUVINAMANI.,ADVOCATE)





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AND:

THE AXIS BANK
REP BY THE BRACH MANAGER
MODI HOSPITAL ROAD BRANCH
BENGALURU 560010.

RESPONDENT

(BY SRI. SHANTHI BHUSHAN A/W
SRI. P. PRASANNA KUMAR A/W
SRI. H.V. BHANUPRAKASH AMICUS CURIAE
SMT. JAI M PATIL., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUITON OF INDIA PRAYING TO
DIRECTING THE RESPONDENT TO DEFREEZE THE
ACCOUNTS OF THE PETITIONER AND PERMIT THE
PETITIONER HEREIN TO USE AND OPERATE THE BANK
A/C NO. 923020017313917, IFSC CODE UTIB0004290
MAINTAINED IN AXIS BANK, MODI HOSPITAL ROAD
BRANCH, BENGALURU-560010.

IN W.P.No.28796/2025

BETWEEN:

BIKRAM DAS
S/O GOPI DAS
AGE ABOUT 29 YEARS
R/AT VILL BEWA POST



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BEWA PS MIHIJAM BEWA
JAMTARA, JHARKHAND

...PETITIONER

(BY SRI. RAMESH YANKOB., ADVOCATE FOR

SRI. SHIVANINGAPPA NADUVINAMANI.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY COMMISSIONER OF POLICE
BANGALORE CITY ALI ASKER RD
VASANTH NAGAR
BENGALURUKARNATAKA 560051
REP BY SPP
HIGH COURT OF KARNATAKA.
2. TEH STATE OF KARNATAKA
POLICE INSPECTOR
HOLALKERE PS
CHITRADURGA 577531
REP BY SPP
HIGH COURT OF KARNATAKA.
3. THE STATE OF KARNATAKA
POLICE INSPECTOR
EAST CEN CRIME PS
BANGALORE 560001
REP BY SPP
HIGH COURT OF KARNATAKA.



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4. THE STATE OF KARNATAKA
REP BY
THE SECRETARY
DEPARTMENT OF HOME AFFAIRS
AMBEDKAR VEEDHI
VIDHANA SOUDHA
BENGALURU 560001.

5. AXIS BANK
REP BY
THE BRANCH MANAGER AXIS BANK
@ JAMTARA, JHARKHAND 815351.

...RESPONDENTS

(BY SRI. SRI. SHANTHI BHUSHAN A/W
SRI. P. PRASANNA KUMAR A/W
SRI. H.V. BHANUPRAKASH AMICUS CURIAE
SRI. V. SHIVAREDDY., AGA FOR R1 TO R4
SMT. JAI M PATIL., ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO I. ISSUE A WRIT
MANDAMUS BY DIRECTING THE RESPONDENT NO. 5
TO DEFREEZE THE ACCOUNTS OF THE PETITIONER
AND PERMIT THE PETITIONER HEREIN TO USE AND
OPERATE THE ACCOUNT OF PETITIONER BEARING A/C
NO.922020059772580, IFSC-UTIB0002852 MAINTAINED
IN AXIS BANK JAMTARA, JHARKHAND, BANK INDIA-
815351.



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THESE PETITIONS, COMING ON FOR
PRELIMINARY HEARING IN 'B' GROUP, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioners in these petitions seek directions to the respondent-Bank to de-freeze their corresponding accounts and to permit them to operate their bank accounts. This Court has heard not just Sri Ramesh Yankob, the learned counsel who appears on behalf of Sri Shivaningappa Naduvnamani, the learned counsel on record for the petitioners, but also the learned counsel for the respondent-Bank and Sri H.V. Bhanu Prakash, the learned Additional Advocate General, Sri P. Prasanna Kumar and Sri Shanti Bhushan H, the learned *amici curiae*, who are assisting this Court in disposal of similar matters.



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2. The petitioners' common grievance is because the respondent-Bank has frozen their respective accounts. The Bank has frozen their accounts because of communications from the different Police Officers as mentioned in each of these petitions. Sri Ramesh Yankob submits, with the advantage of the arguments that have been advanced on the larger question on whether the account holders must receive due information about the amounts marked for lien on receipt of a complaint, that the grievance of these petitioners would be addressed if this Court disposes of the petitions with directions to the respondent-Bank to limit freezing to the amounts marked for lien by the concerned Police and permit them to operate the accounts beyond the amounts marked for lien.

3. Sri H.V. Bhanu Prakash and Sri Shanthi Bhushan H are categorical that instructions have been issued to all the Banks to limit the de-freezing



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to the amounts marked for lien and not restrict the account holders from operating the accounts beyond the amounts marked for lien. In fact, Sri H.V. Bhanu Prakash invites this Court's attention to the Circular dated 20.07.2024 and the Standing Order No.1041 dated 18.03.2025 to emphasize that the Police Investigation Authorities within the State have been called upon not to issue any directions to freeze the bank accounts without justifiable reasons and if an account has to be frozen, it should only be to the extent of the suspected transaction. The relevant part of the Circular reads as under:

"ಯಾವುದೇ ತನಿಖೆ ಸಂಬಂಧ ಆರೋಪಿತ ವ್ಯಕ್ತಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ವ್ಯಕ್ತಿಗಳ ಅಥವಾ ಸಂಸ್ಥೆಗಳ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳಲ್ಲಿ ತನಿಖೆಗೆ ಸಂಬಂಧಿಸಿದ ಮೊತ್ತ ಜಮೆ ಆಗಿದ್ದಲ್ಲಿ ಅಥವಾ ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಈ ಕೆಳಗಿನ ಕ್ರಮಗಳನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.

- 1) *ಮೊದಲನೆಯದಾಗಿ ಸಕಾರಣವಿಲ್ಲದೆ ಯಾವುದೇ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳನ್ನು ಫ್ರೀಜ್ ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ಒಂದು ವೇಳೆ ಫ್ರೀಜ್ ಮಾಡುವ ಸಂದರ್ಭ ಬಂದಲ್ಲಿ ಸಂಶಯಾಸ್ಪದ ಮೊತ್ತ (Lien Amount) ವನ್ನು ಮಾತ್ರ ಫ್ರೀಜ್ ಮಾಡತಕ್ಕದ್ದು. ಸಂಪೂರ್ಣ ಬ್ಯಾಂಕ್ ಖಾತೆಯನ್ನು ಫ್ರೀಜ್ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.*



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- 2) ಒಂದು ವೇಳೆ ಸಂಪೂರ್ಣ ಖಾತೆಯನ್ನು ಫ್ರೀಜ್ ಮಾಡಬೇಕಾದಲ್ಲಿ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿ ಮತ್ತು ಸಕಾರಣಗಳೊಂದಿಗೆ ತಮಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಪರ ಫೋಲೀಸ್ ಆಯುಕ್ತರು ರವರಿಂದ ಲಿಖಿತ ಅನುಮತಿ ಪಡೆದು ಫ್ರೀಜ್ ಮಾಡುವುದು.
- 3) ಯಾವುದೇ ಬ್ಯಾಂಕ್‌ನೊಂದಿಗೆ ಪತ್ರ ವ್ಯವಹಾರ ಮಾಡಿದಾಗ Bankers Books Evidence Act-1891 ನಲ್ಲಿ ನೀಡಿರುವ ಸೂಚನೆಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಾಲನೆ ಮಾಡತಕ್ಕದ್ದು.
- 4) ಯಾವುದೇ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳನ್ನು ಮತ್ತು ಖಾತೆಗಳ Lien Amount ಗಳನ್ನು ಫ್ರೀಜ್ ಮಾಡಿದಲ್ಲಿ, ಕೂಡಲೆ ಈ ಮಾಹಿತಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಡ್ಡಾಯವಾಗಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
- 5) ಈ ಸುತ್ತೋಲೆಯನ್ನು ಮೀರಿ ವರ್ತಿಸುವ ತನಿಖಾಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಸಹಾಯಕ ಫೋಲೀಸ್ ಆಯುಕ್ತರು/ ಉಪ ಫೋಲೀಸ್ ಆಯುಕ್ತರುಗಳು ಶಿಸ್ತಿನ ಕ್ರಮಕ್ಕಾಗಿ ವರದಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು."

In the light of this, the petitioners seek disposal of these petitions, with a direction to the respondent-Bank to limit the freezing to the amounts marked for lien and this Court is of the view that the petitions, without prejudice to the petitioners' rights, otherwise must be disposed of directing the respondent-Bank to communicate the amounts marked for lien as part of investigation and permit the petitioners to operate the accounts otherwise. As such, the following:



ORDER

[i] The petitions are disposed of directing the respondent-Bank to communicate to the petitioners the amounts that are marked for lien by the authorities and also permit them to operate the accounts beyond the amounts marked for lien.

[ii] The petitioners are reserved with liberty to file a certified copy of this order within two [2] weeks from the date of receipt of a copy of this order and the respondent-Bank shall inform the amounts marked for lien and permit the petitioners to operate the accounts beyond such amounts forthwith.

[iii] It is needless to observe that if the authorities for reasons have not marked the amounts to be on lien, the



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petitioners must avail their remedy in
accordance with law.

SD/-
(B M SHYAM PRASAD)
JUDGE

NV
List No.: 1 Sl No.: 0