

**CRL.M.P.No.10160 of 2016
and
CRL.O.P.No.15900 of 2010**

T.MATHIVANAN, J.,

This petition is filed under Section 482 of Cr.P.C., to pass an order in the nature of a direction to the learned Judicial Magistrate No.I, Coimbatore to permit the petitioner to withdraw his amount of Rs.2,00,000/- which was deposited by him in respect of the order of this Court in Crl.O.P.No.15900 of 2010.

2. Heard Mr.G.Thyagarajan, learned counsel for the petitioner and Mr.B.Ramesh Babu, learned Government Advocate (Crl.Side). This Court has also perused the averments of the affidavit filed in support of the petition and considered the submissions of the learned counsels on both sides. Having regard to all the related facts and circumstances of the case the following order is being passed.

3. The petitioner had filed a petition in Crl.O.P.No.15900 of 2010 under Section 482 of Cr.P.C., seeking the relief of anticipatory bail in case of his arrest in respect of the case in Cr.No.830 of 2010 which was registered against him under Section 420 of IPC on the file of the respondent/police.

4. While granting the anticipatory bail in favour of the petitioner, this Court had passed a conditional order directing the petitioner to deposit a sum of Rs.2,00,000/- to the credit of the case in Cr.No.830 of 2010 which was pending on the file of the learned Judicial Magistrate No.I, Coimbatore within a period of four weeks from the date of receipt of a copy of the said order. This order was complied with by the petitioner and Mr.G.Thyagarajan, learned counsel for the petitioner has also produced the original receipt for the reference of this Court. Now, the learned counsel for the petitioner has submitted that the respondent/police had filed a Referred Charge Sheet in RCS No.22 of 2015 dated 20.03.2015, wherein, they have stated that the case in Cr.No.830 of 2010 on the file of the respondent/police was closed as mistake of fact.

5. The learned Judicial Magistrate No.I, Coimbatore had also taken the charge sheet on his file and recorded the same on 20.03.2015. Now, the learned counsel for the petitioner has submitted that since the case in Cr.No.830 of 2010 which was registered against the petitioner was closed as mistake of fact, he might be permitted to withdraw the amount of Rs.2,00,000/- which was deposited by him to the credit of the case in Cr.No.830 of 2010 on the file of the learned Judicial Magistrate No.I,

Coimbatore.

6. The learned Govt. Advocate (Crl.Side) has no objection in permitting the petitioner to withdraw the above said amount. Since the case in Cr.No.830 of 2010 which was registered by the respondent/police viz., B2 RS Puram Police Station, Coimbatore was closed as mistake of fact on 20.03.2015 there may not be any impediment in granting permission to the petitioner to withdraw the above said amount.

7. Accordingly, this petition is allowed and the learned Judicial Magistrate No.I, Coimbatore is directed to permit the petitioner to withdraw the said amount of Rs.2,00,000/- which was deposited by him in pursuant to the order of this Court dated 19.07.2010 without directing him to furnish security or any guarantee to that effect.

22.11.2016

Index:Yes/No
Internet:Yes/No
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