

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25400 of 2018

K.Kandeshwaran

.. Petitioner

Vs

State rep. By
The Sub-Inspector of Police,
Thingallur Police Station,
Erode District.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the District Munsif Court cum Judicial Magistrate, Perundurai to return the amount of Rs.75,000/- to the petitioner herein which was deposited to the credit of Crime No.43 of 2017 on the file of the Sub-Inspector of Police, Thingallur Police Station, Erode District.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

This petitioner, along with one Sridhar were arrested by the police on 05.03.2017 in Crime No.43 of 2017 for the offences under Sections 120(B) and 436 IPC. This petitioner filed Crl.O.P.No.7030 of 2017 and Sridhar filed Crl.O.P.No.7038 of 2017 for bail.

2.This Court, while granting bail to them on 19.04.2017, passed the following order:

"7.Accordingly, it is ordered that the petitioners shall be released on bail, subject to the following conditions:-

(i) Each petitioner shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) to the credit of Crime No.43 of 2017 before the learned District Munsif-cum-Judicial Magistrate, Perundurai

within a period of two weeks from the date of receipt of a copy of this order and on further condition that

3. Accordingly, this petitioner and the said Sridhar appear to have deposited Rs.75,000/- each to the credit of Crime No.43 of 2017 before the District Munsif-cum-Judicial Magistrate, Perundurai.

4. After completing the investigation, the police filed a charge sheet against both of them and they both were tried in S.C.No.83 of 2017 by the Assistant Sessions Judge, Perundurai, Erode and were acquitted on 19.03.2018. While so, this petitioner is before this Court for a direction to the District Munsif Court cum Judicial Magistrate, Perundurai to return the sum of Rs.75,000/-.

5. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

6. In view of the fact that the petitioner has been acquitted, this petition is allowed and the District Munsif-cum-Judicial Magistrate, Perundurai is directed to return the sum of Rs.75,000/- each to the petitioner and to Sridhar, if they have deposited, after due verification.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkn/gsa

To

1. The Sub-Inspector of Police,
Thingallur Police Station,
Erode District.

2. The District Munsif-cum-Judicial Magistrate,
Perundurai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.75399

CRL.OP.No.25400 of 2018

RSK(CO)
GSP(/04/2017)