

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM

THE HONOURABLE MR. JUSTICE **N. ANAND VENKATESH**

Crl.OP No.5642 of 2019

V.Rajaram

..Petitioner

..Vs..

The State
Represented by its
Inspector of Police,
F-2, Egmore Police Station (Crime)
Chennai District.

..Respondent

(Crime No.102 of 2018)

PRAYER: Criminal Original Petition filed under Section 439 (1)(b) of the Code of Criminal Procedure, 1973, to modify the condition imposed on the petitioner pending on the file of the XIV Metropolitan Magistrate, Allikulam in Crl.M.P.No.4239 of 2018 order dated 27.11.2018.

For Petitioner : Mr.A.M.Esakkiappan

For Respondent : Ms.M.Prabhavathi, APP

This petition has been filed seeking for modification of the condition imposed by the Court below by permitting the petitioner to withdraw Rs.1 lakh that was deposited as condition for bail.

2. The learned counsel for the petitioner submitted that the FIR itself came to be challenged before this Court in CrI.O.P.No.2770 of 2019, and this Court has already entertained the petition and has directed the respondent Police not to file a Final Report pending disposal of the criminal original petition.

3. The learned counsel for the petitioner by pointing to the order passed by this Court, submitted that this petitioner is now entitled to withdraw Rs.1 lakh that was deposited as a condition for bail.

4. In the considered view of this Court, till the criminal original petition is finally heard and disposed of, the petitioner will not be entitled to withdraw the amount already deposited before the Court below as a condition for bail. If ultimately the FIR is quashed or a closure report is filed or the case itself ends up in an acquittal, the petitioner will be entitled to take back the amount that has been deposited by him as a condition for bail. None of these contingencies

have arisen in this case. Therefore, this petition itself is pre mature.

5. This Criminal Original Petition is disposed of, by giving liberty to the petitioner to approach this Court for withdrawal of the above said amount in the event of any of the contingencies mentioned above enures in favour of the petitioner.

04.03.2019

Index : Yes/No

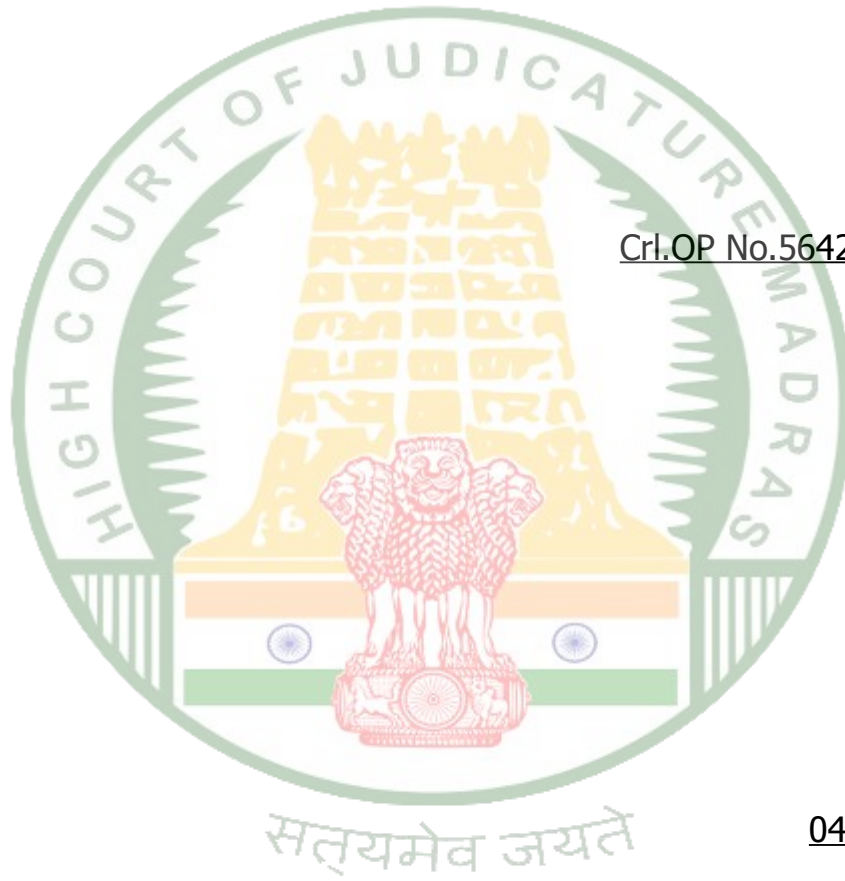
Internet : Yes/No

KP

To

1. The XIV Metropolitan Magistrate,
Allikulam.
2. Inspector of Police,
F-2, Egmore Police Station (Crime)
Chennai District.
3. The Additional Public Prosecutor,
High Court, Chennai.

N. ANAND VENKATESH,, J.



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