



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P (MD) No.17935 of 2019

Senthilvel

... Petitioner / Petitioner

Vs

State rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai,
Crime No.18 of 2018

... Respondent / Respondent

PRAYER: Petition filed under Section 439(1)(b) Code of Criminal Procedure, to modify the condition imposed in Cr.M.P.No.2360 of 2018, dated 24.09.2018 on the file of the learned Principal Sessions Judge, Pudukkottai by permitting the petitioner to withdraw the cash deposit of Rs.5,00,000/- and directs the petitioner to furnish additional solvent surety to the above cash security.

For Petitioner : Mr.M.Karunanithi

For Respondent : Mr.A.Robinson
Government Advocate (Cr1.side)

ORDER

The petitioner was arrested in Crime No.18 of 2018 registered on the file of the District Crime Branch, Pudukkottai, for the offences under Sections 120(b), 406 and 420 of IPC.

2.The petitioner is said to induced the defacto complainant to part with a sum of Rs.30,00,000/-. Since the loan could not be repaid by the petitioner herein, the defacto complainant filed the said case. The Court below granted bail to the petitioner on condition that the petitioner should deposit a sum of Rs.5,00,000/-. The said condition was complied with by the petitioner. The petitioner now wants to withdraw the said amount of Rs.5,00,000/-.

3.The petitioner's counsel placed reliance on the order dated 24.10.2017, passed by the Principal Bench in Cr1.O.P.No.20012 of 2017. The facts of the said case are entirely different. When the Sessions Court of Chennai granted bail to the accused by directing him to make a huge cash deposit, the same was permitted to withdrawn.



4. But the case on hand is quite different.

5. The prosecution case is that the petitioner had defrauded the defacto complainant to the tune of Rs.30,00,000/-. A portion of the said amount was ordered to be deposited. The said condition was also complied with. The question of permitting the petitioner to withdraw the said amount at this stage does not arise. The petitioner will have to necessarily wait for the outcome of the criminal proceedings. This criminal original petition stands dismissed.

Sd/-

Assistant Registrar (Cr1.Side)

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/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Sessions Judge, Pudukkottai.

2. The Inspector of Police,
District Crime Branch,
Pudukkottai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-103158[F] dated 03/12/2019)

Cr1.O.P(MD) No.17935 of 2015
03.12.2019

rmi

SDS (02.06.2020) 2P-5C