

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9058/2021

K.Muthuraman

..Petitioner/Accused

Versus

State rep.by
The Inspector of Police (Crimes),
F-1 Police Station,
Chintadripet, Chennai 02.

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to set aside the order dated 19.11.2018 passed in Crl.M.P.NO.3750 of 2018 on the file of the learned XIV metropolitan Magistrate Egmore, Chennai and direct the said Court to return the sum of Rs.1 lakh deposited by the petitioner to the credit of F-1 Cr.No.23/2018 on 10.09.2018 in Crl.M.P.No.2812/2018.

For Petitioner : Mr.D.N.Dhurgasha

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed for direction to the learned XIV Metropolitan Magistrate, Egmore, Chennai, to return the sum of Rs.1,00,000/- deposited by the petitioner to the credit of F-1 Cr.No.23/2018 on 10.09.2018 in Crl.M.P.No.2812/2018.

2. It is seen from the typed set of papers filed by the learned counsel appearing for the petitioner that the petitioner and his wife have been granted bail in Crl.M.P.No.2812 of 2018, on 07.09.2018 with a condition that both should deposit Rs.1,00,000/- each in the Court, apart from executing bail bond. Against this order, the petitioner has preferred a petition before the learned Principal Sessions Judge in Crl.M.P.No.15866 of 2018 and in the said order, it was mentioned that the petitioners, though granted bail on 07.09.2018, they are not able to deposit the money, therefore, they are still in prison.

However, it is seen from the order of the learned XIV Metropolitan Magistrate in CrI.M.P.No.3750/2018, the petitioner has deposited a sum of Rs.1,00,000/- on 10.09.2018 itself. Without properly informing this fact, the learned Principal Sessions Judge was made to pass an order, directing both the petitioners to execute a bond of undertaking to the tune of Rs.1,00,000/-each before the XIV Metropolitan Magistrate Court instead of depositing a sum of Rs.1,00,000/- each. Since already Rs.1,00,000/- was deposited by the petitioner, and was released on bail, the return of Rs.1,00,000/- to the petitioner will have to be decided only at the conclusion of the trial.

4. In this view of the matter, this Criminal Original Petition is dismissed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police (Crimes),
F-1 Police Station,
Chintadripet, Chennai 02.

2.The Public Prosecutor
High Court of Madras,
Madras.

3. The Principal Sessions Judge
Chennai.

4. The XIV Metropolitan Magistrate
Egmore, Chennai-8

5. The Chief Metropolitan Magistrate
Egmore, Chennai-8.

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VGII(CO)
SP(19/05/2021)