



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19578 of 2019

Sundaresan

...Petitioner/Intervener

Vs.

1. The State: Represented by
The Inspector of Police
R-3 Ashok Nagar Police Station,
Chennai 600 083.

...Respondents/1st Respondent

2. R.Akilan

...Respondents/2nd Respondent

Prayer:

Petition filed under Section 439 (2) of Cr.P.C., seeking to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.13231 of 2019 dated 17.07.2019 by cancelling the anticipatory bail granted to the second respondent.

For Petitioner : Mr.N.Muthukrishnan

For Respondents: Mr.C.E.Pratap for R1
Govt.Advocate (Crl.Side)
Mr.G.Murugendran for R2

O R D E R

This petition has been filed seeking to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.13231 of 2019 dated 17.07.2019 by cancelling the anticipatory bail granted to the second respondent.

2.The case of the petitioner is that the second respondent filed petition seeking anticipatory bail before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.13231 of 2019 and the learned Principal Sessions Judge, Chennai, allowed the said petition on 17.07.2019. Aggrieved by the same, the petitioner has filed this petition.

3.The learned counsel appearing for the petitioner submitted that initially, the learned Principal Sessions Judge, Chennai, granted anticipatory bail to the second respondent in



Crl.M.P.No.13231 of 2019 by directing the second respondent to deposit a sum of Rs.55,000/-, in crime no.not known of 2019.

4.The learned counsel appearing for the petitioner further submitted that thereafter, the case was registered in Crime No.445 of 2019 and the second respondent filed petition seeking anticipatory bail before this Court in Crl.O.P.No.30231 of 2019 and this Court granted anticipatory bail to the second respondent on 06.07.2021 by directing him to deposit the entire complaint amount of Rs.1,10,000/-. Hence, nothing survives for adjudication in this petition. However, the learned counsel seeks that this Court may issue direction to the concerned Judicial Magistrate to disburse the said amount to the petitioner after obtaining appropriate affidavit.

5.Considering the request made by the learned counsel appearing for the petitioner, this Court directs that after deposit of the conditional amount by the second respondent herein in the Crime number (as per the order made in Crl.O.P.No.30231 of 2019 dated 06.07.2021), the concerned Magistrate, shall obtain an affidavit of undertaking from the petitioner/ defacto complainant stating that in the event of the second respondent succeeding the case, the amount deposited by the second respondent will be returned to the second respondent and after obtaining such affidavit of undertaking from the petitioner/ defacto complainant, shall disburse the said amount to the petitioner/ defacto complainant within a period of two weeks thereafter. This criminal original petition is accordingly closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,Chennai.

2. The Inspector of Police

R-3 Ashok Nagar Police Station,Chennai 600 083.

3. The Public Prosecutor, High Court of Madras,Chennai 600 104.

+1cc to Mr.N.Muthukrishnan, Advocate, S.R.No.43797 (02/09/2021)

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SKY(CO)

RGA(25/08/2021)