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Crl.M.P.No. 9612 of 2022

in

Crl.O.P.No.13484 of 2013

G.K.ILANTHIRAIYAN, J.

This petition has been filed for direction directing the learned Judicial Magistrate, Uthangarai, Krishnagiri District to refund the deposit amount of Rs.80,000/-, which was deposited by the petitioners while granting bail by this Court in Crl.O.P.13484 of 2013 by an order dated 07.06.2013.

2. The learned counsel appearing for the petitioner would submit that there are totally 42 accused, in which the petitioners are arrayed as A3, A29, A37 to A42 in Crime No.184 of 2013 for the offences under Sections 147, 148, 341, 506(ii) of IPC r/w. Sections 3 & 4 of Tamil Nadu Public Property Damages and Loss Act. After completion of investigation, the respondent filed a final report and the same has been taken cognizance in S.C.No.33 of 2019 on the file of the Principal Sessions Judge, Krishnagiri. However, the Trial Court has acquitted all the accused persons for the reason that the prosecution has not proved, with the help of oral and documentary evidence, the guilt of the accused beyond any reasonable doubt. On the basis of the investigation, the prosecution could not prove the charge against the petitioners. Therefore,



the learned counsel for the petitioners submitted that the petitioners are entitled for the amount which was deposited by them while they were granted bail.

3. It is seen that admittedly, in this case, the Government Transport Bus was burnt completely by the accused. Though, the Trial Court acquitted the petitioners for the reason that the prosecution failed to prove its case for want of evidence, ultimately, the bus was burnt entirely and thus caused damages to the Government. Therefore, whatever the amount deposited by the accused persons while granting bail, it has to go to the government. Therefore, the petitioners are not entitled for the amount which was deposited by them.

4. Considering the above facts and circumstances of the case, this Court is not inclined to refund the amount deposited by the petitioners as per the order dated 07.06.2013 in CrI.O.P.No.13484 of 2013. Accordingly, this petition stands dismissed. The learned Judicial Magistrate is directed to transfer the amount which was credited in Crime No.184 of 2013 to the account of the concerned transport corporation.

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