



Crl.M.P.No.14343 of 2022
in
Crl.O.P.No.12326 of 2015

A.D.JAGADISH CHANDIRA, J.

The present petition has been filed by the legal heirs of one R.Selvaraj, who was arrayed as A2 in a case in Crime No.279 of 2015, seeking return of surety amount of Rs.7,50,000/- deposited by the said Selvaraj pursuant to the order dated 31.7.2015 in Crl.O.P.No.12326 of 2015, as a condition precedent for grant of anticipatory bail to him.

2. It appears that the said R.Selvaraj and the de facto complainant Pawan Karan Chandani were partners in the contract for collecting toll charges at Paranur Toll Gate, Chengalput and the said Selvaraj, alongwith one N.Arulanantham (A1), had to face a complaint with regard to a dispute arose between them and in that regard, he had moved for anticipatory bail, wherein, this court, had imposed a condition for deposit of the said sum of Rs.7,50,000/- as a condition precedent for grant of anticipatory bail and accordingly, he had deposited the said sum before the Judicial Magistrate, Alandur.



3. Now, the present petition has been filed by the legal representatives of the said Selvaraj, seeking return of the said deposit amount by contending that the he died due to Corona.

4. Learned counsel appearing for the petitioners, by citing the F.I.R. registered against the said Selvaraj, order of this court granting anticipatory bail and the deposit receipt in compliance of the direction of this court while granting anticipatory bail, would submit that the condition had been duly complied with. By referring to the death certificate and the legal heirship certificate, the learned counsel would further submit that the said Selvaraj died in the meanwhile on 1.7.2020, during the first wave of Corona and as a result, the charge against him has abated and thereby, there is no necessary for the deposit amount being retained by the learned Judicial Magistrate. The learned counsel would further submit that the said Selvaraj happened to be the sole bread winner of the family and after his death, his entire family is suffering and the deposit amount is still lying in the court without any purpose and hence, he craves indulgence of this court by way of a direction permitting the petitioners being the legal heirs.

5. Mr.R.Vinothraja, learned Government Advocate (Criminal Side) would endorse the case of the petitioners.



6. Having heard the learned counsel appearing for the parties and perused the materials available on record, this court finds that a criminal complaint against the said Selvaraj and another was lodged and he was granted anticipatory bail with a condition precedent to deposit a sum of Rs.7,50,000/- before the Judicial Magistrate concerned and in due compliance of such direction, the amount was deposited and pending investigation, the said Selvaraj died on 1.7.2020 and the petitioners are the legal heirs of the said Selvaraj.

7. Considering the grievance expressed by the petitioners, the Judicial Magistrate, Alandur is directed to permit the petitioners to withdraw the deposit amount by filing an appropriate petition.

8. The petition is ordered accordingly.

16.11.2022.

ssk.



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Ssk.

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