



Crl.M.P.Nos.17405 & 17407 of 2022

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in Crl.OP.No.13173 of 2021

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A.D.JAGADISH CHANDIRA, J.,

These petitions have been filed to withdraw the sum of Rs.3,00,000/- deposited to the credit of Cr.No.102 of 2021 and direct the respondent police to return the passport of the petitioner which was surrendered to the respondent police in compliance of the condition imposed while granting anticipatory bail vide order dated 04.08.2021 in Crl.O.P.No.13173 of 2021.

2. The learned counsel for the petitioner would submit that the petitioner is arrayed as A4 in Crime No.102 of 2021, registered by the respondent for the offence under Sections 406, 420 r/w Section 120(B) IPC. He would submit that the petitioner had a petition for anticipatory bail before this Court in Crl.O.P.No.13173 of 2021, and this Court, by order dated 04.08.2021, was pleased to grant anticipatory bail with a condition that the petitioner shall make a deposit of Rs.3,00,000/- to the credit of Crime No.102 of 2021 and he was also directed to surrender his passport to the Investigating Officer. In due compliance of the order, the petitioner surrendered before the CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai and also deposited the sum of Rs.3,00,000/- to the credit of Crime No.102 of 2021 and he had also surrendered his passport to



CrI.M.P.Nos.17405 & 17407 of 2022

the Investigating Officer. While pending enquiry, A1 had filed a quash petition in

CrI.O.P.No.5267 of 2022, seeking to quash the F.I.R in Crime No.102 of 2021

and this Court, by order dated 30.08.2022, had quashed the entire proceedings in respect of the accused and as on date, no proceedings against the petitioner and other accused are pending. He would submit that there is no purpose in keeping the deposit of Rs.3,00,000/- to the credit of Crime No.201 of 2021. Even, at the time of granting anticipatory bail, this Court held that if the petitioner succeeds in the case, the said amount of Rs.3,00,000/- should be refunded to him or in the event of the defacto complainant succeeding the case, it should be handed over to the defacto complainant. Since the F.I.R has been quashed, the petitioner is entitled for refund of the amount and also return of his passport and thereby, he seeks for necessary direction.

3. The learned Additional Public Prosecutor would submit that this Court by order dated 30.08.2022 had quashed the F.I.R and the proceedings against all the accused. Further, the order of quash has not been challenged so far.

4. In view of the above submissions, nothing survives for further adjudication in respect of Crime No.102 of 2021. Therefore, this Court directs



Crl.M.P.Nos.17405 & 17407 of 2022

the CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai to refund the cash of Rs.3,00,000/- deposited to the Crime No.102 of 2021 and the respondent police to return the passport of the petitioner on filing proper petition.

5. With the above directions, these Criminal Miscellaneous Petitions are ordered.

18.11.2022

Anu



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18.11.2022
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