



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP (MD) No.2292 of 2022

IN

CRL OP (MD) No.3330 of 2020

1. S.THIRUPPUVANA SUNDARI
2. S.VENKATACHALAM

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY,
(CRIME NO.19 OF 2019)

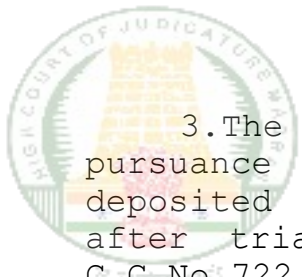
... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the Learned Judicial Magistrate No. I, Tirunelveli to refund the cash surety a sum of Rs. 20,000/- paid by the petitioners in pursuant to order dated 25.2.2020 made in Crl OP (MD) No.3330 of 2020 on the file of this Honble Court.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SAM EUGINE JEBAKUMAR.M, Advocate for the petitioners and M/S.M.MUTHUMANIKKAM, Counsel for Government of Tamil Nadu (Criminal Side) for the Respondent the court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking orders to direct the learned Judicial Magistrate No.I, Tirunelveli to refund the cash surety Rs.20,000/- paid by the petitioners, in pursuance of the order dated 25.02.2020 made in Crl.OP (MD) No.3330 of 2020.

2.It is evident from the records that the respondent police has registered a case in Crime No.19 of 2019 against four persons including the petitioners herein and they have moved anticipatory bail petition in Crl.OP (MD) No.3330 of 2020 and this Court vide order dated 25.02.2020, has granted anticipatory bail with condition to furnish the cash surety of Rs.10,000/- each.



3.The learned counsel for the petitioners would submit that in pursuance of the directions of this Court, the petitioners have deposited the said amount before the learned Magistrate and that after trial, the petitioners were ordered to be acquitted in C.C.No.722 of 2020, vide judgment dated 26.02.2021. He would further submit that when the petitioners moved before the trial Court for refund of amount, the learned Magistrate has refused to entertain the petition on the ground that the cash surety was ordered by the High Court.

4.The learned Government Advocate (Criminal Side) appearing for the State, on instructions, would submit that the respondent has not preferred any appeal, challenging the judgment of acquittal passed in C.C.No.722 of 2020, dated 26.02.2021.

5.Considering the above facts and circumstances of the case and also the fact that the petitioners were ordered to be acquitted, they are entitled to get the amount deposited by them. Hence, this petition is allowed, directing the learned Judicial Magistrate No.I, Tirunelveli to refund the cash surety Rs.20,000/- paid by the petitioners, in pursuance of the order dated 25.02.2020 made in CrI.OP(MD)No.3330 of 2020.

Sd/-

18/02/2022

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Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.2292 of 2022

IN

CRL OP(MD) No.3330 of 2020

Date :18/02/2022