



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

Monday, the Seventh day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.3099 of 2022

IN

CRL OP(MD) No.15251 of 2019

BALU @ R.BALAKRISHNAN

... PETITIONERS/PETITIONERS

Vs

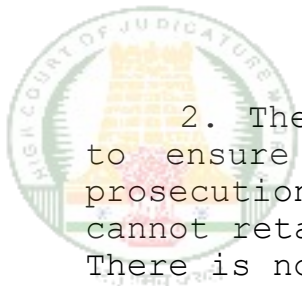
THE STATE REP BY,
THE INSPECTOR OF POLICE
PATIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.325/2019)

... 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, Nilakottai to refund the case sureties amount for a sum of rupees 40,000 which is deposited by the petitioner in Cr.No.325 of 2019 on the file of the respondent police.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.KRISHNA, Advocate for the petitioner and of MR.M.SAKTHIKUMAR, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

The petitioner filed Crl.O.P.(MD)No.15251 of 2019 before this Court for anticipatory bail along with another. Vide Order dated 24.10.2019, the said criminal original petition was allowed and anticipatory bail was granted. The petitioner was asked to furnish two sureties each for a sum of Rs.10,000/-. Since there are two accused and since they were not able to produce local sureties, they had deposited a sum of Rs.40,000/- as cash surety. Later the case itself got quashed. As on date, the petitioners are not figuring as accused. The prosecution against them had already been terminated. Therefore, the petitioner moved the Court below for refund of the cash surety. The Court below had declined to entertain the said petition. Since the matter arose out of order passed by this Court, this criminal miscellaneous petition has been filed seeking refund.



2. The purpose for directing the accused to furnish surety is to ensure that he is available for trial. In this case, the prosecution itself has been terminated. Therefore, the Court below cannot retain the amount deposited by the petitioner as cash surety. There is no justification in retaining the said sum.

3. Therefore, the learned Judicial Magistrate, Nilakottai, is directed to return the cash surety amount of Rs.40,000/- deposited by the petitioner in Crime No.325 of 2019 registered on the file of Pattiveeranpatti police station, without any delay.

4. This criminal miscellaneous petition is allowed.

sd/-

07/03/2022

/ TRUE COPY /

/ /2022

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

PMU

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PATIVÉERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1 CC to M/s.K.KRISHNA, Advocate (SR-1784[I] dated 08/03/2022)

ORDER

IN

CRL MP(MD) No.3099 of 2022

IN

CRL OP(MD) No.15251 of 2019

Date :07/03/2022

pmu

<https://hcmcssebnrscsblrhcservices.03.2022/2P/6C>