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Crl.M.P.No.3801 of 2023 in

Crl.O.P.No.21473 of 2015

A.D.JAGADISH CHANDIRA, J.

This Criminal Miscellaneous Petition has been filed seeking a direction to the learned Judicial Magistrate No.5, Salem, to refund the amount of Rs.2 lakhs which was deposited by the petitioner on 18.03.2016 vide Receipt No.512140 to the credit of Crime No.22 of 2015 at the time of executing the bail bond as per order of this Court in Crl.O.P.No.21473 of 2015 dated 27.08.2015.

2. The learned counsel for the petitioner would submit that this Court while granting anticipatory bail to the petitioner in Crl.O.P.No.21473 of 2015, had directed him to deposit a sum of Rs.2 lakhs to the credit of crime number by order dated 27.08.2015. Accordingly, the petitioner deposited the said amount to the credit of Crime No.22 of 2015 before the learned Judicial Magistrate No.5, Salem. He would further submit that after filing of the final report, the

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case was taken on file in C.C.No.85 of 2016 on the file of the Judicial Magistrate No.5, Salem and after trial, the petitioner was acquitted under Section 248(1) of Cr.P.C. by order dated 31.10.2022. Subsequently, the petitioner filed a memo dated 20.12.2022 before the learned Judicial Magistrate No.5, Salem, seeking refund of the said amount. However, no action was taken to refund the amount of Rs.2 lakhs to the petitioner. Hence, the present petition has been filed before this Court.

3. The learned Government Advocate (Crl. Side) appearing for the respondent would fairly concede that the case in C.C.No.85 of 2016 on the file of the Judicial Magistrate No.5, Salem, ended in favour of the petitioner and the petitioner was acquitted by the trial Court by order dated 31.10.2022. He would also submit that the State has not preferred any appeal against the order of acquittal and that the respondent police has no objection in releasing the amount to the petitioner which was deposited by the petitioner to the credit of Crime No.22 of 2015.

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4. Taking into consideration the facts and submissions made the learned counsel on either side, this Criminal Miscellaneous Petition is allowed.

5. The learned Judicial Magistrate No.5, Salem, is directed to refund the amount of Rs.2 lakhs to the petitioner which was deposited by him to the credit of Crime No.22 of 2015 at the time of executing the bail bond as per the order of this Court in Crl.O.P.No.21473 of 2015 dated 27.08.2015, on proper identification and receipt of acknowledgement.

08.06.2023

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Note: Issued order copy on 13.06.2023

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