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Crl.MP.No.17573 of 2023
in
Crl.OP.No.3132 of 2023

C.V.KARTHIKEYAN, J.

This petition has been filed to modify the order dated 13.02.2023 in Crl.OP.No.3132 of 2023 and to permit the petitioner to withdraw the amount deposited of Rs.4,00,000/- on 27.03.2023 in Receipt No.0227306 in Crime No.117 of 2022, before the Judicial Magistrate No.II, Alandur, Chennai.

2.Crl.OP.No.3132 of 2023 had been filed by the accused in Crime No.117 of 2022, which had been registered under Sections 406 and 420 IPC seeking anticipatory bail. In that particular order, on 13.02.2023 the petitioners were directed to pay a sum of Rs.4,00,000/- to the credit of Crime No.117 of 2022, before the Trial Court on or before 02.3.2023. It is stated that the petitioners had deposited the said amount.

3.This application seeking modification, had been filed by the de facto complainant seeking payment out of the said amount to the de facto complainant. In the petition filed, it had been stated that the petitioner had given a complaint against the power of attorney holder and her daughters including the land broker on 6.9.2021 and since, a complaint was not registered, an application was filed



under Section 157(3) Cr.PC., and the Judicial Magistrate No.II at Alandur, had directed the respondent to register FIR. Accordingly, the FIR was also registered.

4.It is also been stated that the petitioner is 77 years old and a senior citizen. It had been stated that the accused had taken away money amounting to Rs.20,50,000/- by creating a power of attorney document registered as document no.198/10. It had been stated that they had been obtained anticipatory bail with condition to deposit a sum of Rs.4,00,000/- Permission is now sought to withdraw the said sum of Rs.4,00,000/- and since such permission had not been granted in the order granting anticipatory bail the order is also sought to be modified to permit the petitioners to withdraw the said amount. Taking all the factors into consideration, the modification petition stands allowed.

5.The learned Judicial Magistrate No-II, Alandur is directed to entertain an application filed by the petitioners herein for payment out of Rs.4,00,000/- which had been deposited in Crime No.117 of 2022 and pass appropriate orders. It must also be pointed out that though the matter has been listed before this Court atleast on four occasions, the learned counsel for the accused was not present. Modification petition allowed.

6.In view of the same, the order dated 13.2.2023 in CrI.OP.No.3132 of



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2023, is modified with respect to paragraph 6(i) by adding a further sentence "on such deposit the petitioners are permitted to withdraw the said amount" by filing an appropriate application before the Judicial Magistrate No.II, Alandur.

08.11.2023

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