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Crl.O.P.No.10125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

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THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.10125 of 2024

1. Gandhinathan

2. Nagarathinam

.... Petitioners

Versus

The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri, Krishnagiri District.
(Crime No.318/2013)

.... Respondent

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the returned unnumbered docket order in S.R.No.1486 of 2024 dated 15.03.2024 in Cr.M.P.No.unnumbered of 2024 in C.C.No.84 of 2021 on the file of the Judicial Magistrate Court No.1, Krishnagiri.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



Crl.O.P.No.10125 of 2024

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ORDER

The petitioners herein, who are the accused in C.C.No,84 of 2021 on the file of the Additional Mahila Court, Krishnagiri, have been filed this petition seeking appropriate direction to the trial Court to refund the money deposited as a pre-condition while granting bail.

2. The learned counsel appearing for the petitioner submitted that based on the complaint and the registration of F.I.R. by the respondent police, these petitioners sought for anticipatory bail before this Court. While considering the bail petition, this Court in Crl.O.P.No.15270 of 2023, dated 19.07.2013, granted anticipatory bail on condition that the petitioners should deposit a sum of Rs.1,00,000/- and furnish two sureties each for like sum of Rs.50,000/- to the satisfaction of the Judicial Magistrate No.1, Krishnagiri. These petitioners have jointly deposited a sum of Rs.1,00,000/- through their Advocate by name C.Venkatesan, Pochampalli, and obtained a receipt on 01.08.2013. After trial, they were acquitted by a judgment dated 09.11.2023. As per the direction of the Additional Mahila Court, Krishnagiri, which tried the case, the petitioners have filed a memo for



Crl.O.P.No.10125 of 2024

return of Rs.1,00,000/- deposited by them before the Judicial Magistrate No.1, Krishnagiri. The Registry of the Magisterial Court has returned the memo stating that the order of the Hon'ble High Court does not speak about the refund of the money and therefore, the memo has been returned.

3. This Court finds that the petitioners have jointly deposited a sum of Rs.1,00,000/- as per the direction of this Court, which granted anticipatory bail. Since the trial in this case is over and ended in acquittal, the money deposited as a security to ensure their presence during the trial is no more required. Therefore, the petitioners are entitled to get back their money. Hence, this Criminal Original Petition is allowed and the Judicial Magistrate No.1, Krishnagiri, is directed to verify the CCD account and if the money still lies in the account, the same shall be returned to the petitioners after verifying identification.

12.06.2024

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Crl.O.P.No.10125 of 2024

DR.G. JAYACHANDRAN, J.

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To

1. The Judicial Magistrate Court No.1, Krishnagiri.
2. The Inspector of Police, Krishnagiri Town Police Station,
Krishnagiri, Krishnagiri District.
3. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.10125 of 2024

12.06.2024