



CRL MP(MD) No.1812 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1812 of 2024

IN

CRL OP(MD) No.9964 of 2020

1 B.SENTHILKUMAR

2 T.RAMESH

3 C.MAHESWARI

4 G.K.REHA

5 M.CHITRADEVI

... PETITIONERS/DEFACTO COMPLAINANT
/VICTIMS

Vs

1 THE INSPECTOR OF POLICE

THALLAKULAM (CRIME) POLICE STATION,

MADURAI CITY,

NOW PENDING ON THE FILE OF

THE INSPECTOR OF POLICE,

CITY CRIME BRANCH,

MADURAI CITY.

(CRIME NO. 1924 OF 2019)

... 1ST RESPONDENT/COMPLAINANT

2 BASKARAN

3 SUGUNA

... RESPONDENT NO.2 & 3/PETITIONER
/ACCUSED NO.1 & 2

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to permit the petitioners to withdraw amount of Rs. 10,00,000/- deposited in Crime No.1924 of 2019 on the file of the 1st respondent in pursuance to the order dt. 07.10.2020 made in CrI.O.P.(MD) No. 9964 of 2020.

<https://www.mhc.tn.gov.in/judis>



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Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.SENTHIL MURUGAN, Advocate for the petitioner and of MR.P.KOTTAICHAMY, Government Advocate (Crl.Side) on behalf of the 1st Respondent and MR.T.PALANISAMY, Advocate for MR.AK.AZAGAR SAMY, Advocate on behalf of the Respondent Nos.2 & 3, the court made the following order:-

This Petition has been filed to permit the petitioners to withdraw a sum of Rs.10,00,000/- deposited in Crime No.1924 of 2019 on the file of the first respondent in pursuance to the order dated 07.10.2020 passed in Crl.O.P(MD).No.9964 of 2020 by this Court.

2. The learned counsel appearing for the petitioners submits that the respondents 2 and 3 are the accused Nos.1 and 2 in Crime No.1924 of 2019 and have received a sum of Rs.5,00,000/- from each of the petitioners for arranging the job in TNPSC Group-IV, however, they neither arranged the job nor repaid the amount and thereby, a case was registered in Crime No.1924 of 2019 for the offence punishable under Sections 406 and 420 IPC against the three persons including the respondents 2 and 3 and one Jeyakumar. Thereafter, Jeyakumar, who is the third accused, has moved bail application before this Court in Crl.O.P(MD).No.254 of 2020 and this Court has also enlarged the third accused on bail, imposing a condition on him to deposit a sum of Rs.5,00,000/- to the credit of Crime No.1924 of 2019 before the concerned Magistrate and the concerned Magistrate was directed to disburse the



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amount deposited by the third accused to the victims. Consequently, the learned Judicial Magistrate has also disbursed a sum of Rs.1,00,000/- to each of the petitioners. Thereafter, the respondents 2 and 3 have moved anticipatory bail application in CrI.O.P(MD).No.9964 of 2020 before this Court and this Court, vide order dated 07.10.2020, enlarged them on anticipatory bail imposing a condition on them to deposit a sum of Rs.5,00,000/- each to the credit of Crime No.1924 of 2019 before the learned Judicial Magistrate No.I, Madurai, and the respondents 2 and 3 have deposited the said amount before the concerned Magistrate. After knowing the same, the petitioners moved petition before the trial Court seeking for disbursement of the amount deposited by the respondents 2 and 3, however, the trial Court has returned the petition stating that while granting anticipatory bail to the respondents 2 and 3, the Court has not given any direction to disburse the amount deposited by them. Hence, this Petition has been filed.

3. The learned counsel appearing for the respondents 2 and 3 submits that earlier, A3 approached this Court seeking bail in CrI.O.P(MD).No.254 of 2020 and this Court, vide order, dated 08.01.2020, granted bail to him with a condition to deposit a sum of Rs.5,00,000/- to the credit of crime number and directed the Magistrate to disburse the amount to the victims. However, while granting anticipatory bail to the respondents 2 and 3, no such direction was given by this



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Court. Therefore, there is no necessity for disbursal of the amount deposited by them to the victims.

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4. The learned counsel appearing for the petitioners submits that the petitioners are the victims and if the amount deposited by the respondents 2 and 3 is disbursed to the petitioners, in terms of earlier order passed by this Court in CrI.O.P(MD). No.254 of 2020, the petitioners are ready to file an undertaking affidavit that if the respondents 2 and 3 succeed in the criminal case, the petitioners will return the amount to the respondents 2 and 3.

5. The learned counsel appearing for the respondents would submit that if such affidavit is filed by the petitioners, this Court may consider for disbursal of the amount deposited by the respondents 2 and 3.

6. The learned Government Advocate (CrI.side) appearing for the first respondent Police would submit that the charge sheet has been filed and the same was not taken on file.

7. It appears that this Court, while granting bail to the third accused, has imposed a condition on him to deposit a sum of Rs.5,00,000/- to the credit of Crime No.1924 of 2019 before the concerned Magistrate and the concerned Magistrate was directed to disburse the said amount to the victims. As such, the concerned Magistrate has also disbursed a sum of Rs.1,00,000/- to each of the petitioners. In



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respect of the respondents 2 and 3/accused Nos.1 and 2, this Court, while granting anticipatory bail to them, has imposed the condition on them to deposit a sum of Rs.5,00,000/- each to the credit of Crime No.1924 of 2019 before the learned Judicial Magistrate No.I, Madurai, and they have also deposited the amount, however, a direction for disbursement of the amount deposited by the respondents 2 and 3 has not been given by this Court, which would amount to result in conflicting orders and the same may not be continued. Hence, this Court is inclined to issue a direction to the learned Judicial Magistrate No.I, Madurai to disburse a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to each of the petitioners within a period of two weeks from the date of receipt of a copy of this order, after obtaining appropriate affidavit from the petitioners that if the respondents 2 and 3 succeed in the criminal case, they will return the amount to the respondents 2 and 3.

8. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-

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

ssb



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, THALLAKULAM (CRIME) POLICE STATION,
MADURAI CITY,

4 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, MADURAI CITY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.1812 of 2024

IN

CRL OP(MD) No.9964 of 2020

Date :04/03/2024

RS/JGB/SAR-(14.03.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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