

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).5118-5119 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).12368-12369/2024)

KULANDAISWAMY & ANR.

APPELLANT(S)

VERSUS

THE STATE REP BY THE INSPECTOR OF POLICE

RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

The appellants, who are accused nos.1 and 2, have deposited a sum of Rs.25 lakhs with the Trial Court on 21st October, 2024.

Thus, the appellants have complied with condition no.(i) incorporated in the impugned order dated 25th July, 2024. In paragraph 2 of the impugned order dated 25th July, 2024, the High Court has permitted the said amount to be withdrawn by the complainant.

An application for anticipatory bail is not a recovery proceeding, and, therefore, the amount cannot be withdrawn by the complainant. Accordingly, we set aside paragraph 2 of the impugned order dated 25th July, 2024 and direct that deposit of the amount of Rs.25 lakhs by the appellants shall be subject to final outcome of the trial and the said amount shall be invested in an interest bearing fixed deposit with any nationalised bank till the conclusion of the trial.

With the above modification, the order dated 21st June, 2024 as modified by the order dated 25th July, 2024 passed by the High Court

shall continue to operate.

The Appeals are, accordingly, allowed.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
DECEMBER 09, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 12368-12369/2024

[Arising out of impugned final judgment and order dated 25-07-2024 in CRLMP No. 10554/2024 and CRLMP No. 10556/2024 passed by the High Court of Judicature at Madras]

KULANDAISWAMY & ANR.

Petitioner(s)

VERSUS

THE STATE REP BY THE INSPECTOR OF POLICE

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

SLP(Crl) No. 14318/2024 (II-C)

(IA No.230241/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-12-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. R. Basant, Sr. Adv.
Mr. Sudarsh Menon, AOR
Mr. Shine P Sasidhar, Adv.
Mr. Kavineh R.M., Adv.
Mr. V.P. Raman, Adv.
Mr. Rajesh Rathod, Adv.

For Respondent(s) Mr. D. Kumanan, AOR
Ms. Deepa S, Adv.
Mr. Sheikh F Kalia, Adv.
Mr. Veshal Tyagi, Adv.
Mr. Chinmay Anand Panigrahi, Adv.
Ms. Shagufa Khan, Adv.

Ms. Harsha Tripathi, Adv.
Mr. Balaji Srinivasan, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP (Crl.) No(s).12368-12369/2024

Leave granted.

The Appeals are allowed in terms of the signed order. The operative portion of the order reads thus:

"...Accordingly, we set aside paragraph 2 of the impugned order dated 25th July, 2024 and direct that deposit of the amount of Rs.25 lakhs by the appellants shall be subject to final outcome of the trial and the said amount shall be invested in an interest bearing fixed deposit with any nationalised bank till the conclusion of the trial.

With the above modification, the order dated 21st June, 2024 as modified by the order dated 25th July, 2024 passed by the High Court shall continue to operate.

The Appeals are, accordingly, allowed."

Pending application(s), if any, shall stand disposed of accordingly.

SLP (Crl.) No(s).14318/2024

We grant time of one month to file a counter affidavit. Rejoinder affidavit, if any, to be filed within two weeks thereafter.

List on 27th January, 2025.

(ASHISH KONDLE)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)

[THE SIGNED ORDER IN SLP (CRL.) NOS.12368-12369/2024 IS PLACED ON THE FILE]