



Crl.O.P.(MD).No.17411 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.17411 of 2026

1. Jeyaraman		
2. Ayyapan		... Petitioners/Sureties
	Vs	
1. The State of Tamil Nadu		
Represented by		
The Inspector of Police,		
Adhirampattinam Police Station,		
Thanjavur District.		... 1 st Respondent/ Complainant
2. Sundar @ Sundarprasath		... 2 nd Respondent/A2

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Judicial Magistrate, Pattukottai to accept the penalty of surety bond furnished by the petitioners/sureties and discharge the petitioners/sureties from the liability of sureties of A2 in connection with the Crime No.153 of 2024 on the file of the first respondent herein and consequently dispose the proceeding in M.C.No.16 of 2026 on the file of the Judicial Magistrate Court, Pattukottai and pass such further or other orders as this Court may deem fit.

For Petitioner : Mr.K.Mahendran



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For R1

: Mr.B.Arun

Government Advocate (Crl.Side)

ORDER

The present petition has been filed by the sureties of the second accused in P.R.C.No.8 of 2025, on the file of the Judicial Magistrate, Pattukottai seeking a direction to the concerned Court to dispose of M.C.No. 16 of 2026, and accept the penalty of the surety bond and discharge them from the liability of sureties of A2.

2. The petitioners herein have stood as sureties for the second accused in P.R.C.No.8 of 2025 on the file of the Judicial Magistrate Court, Pattukottai. Since A2 has not appeared before the concerned Court, surety action has been initiated and summons have been issued to the petitioners herein for forfeiting the bond amount. The grievance of the petitioners is that despite their appearance, the matter is being adjourned time and again for the appearance of the accused person.

3. According to him, the appearance of the accused is not necessary for considering the surety action as against the petitioners herein. He further



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submitted that the penalty of the surety bond may be accepted and they may be discharged from the liability of the sureties.

4. The learned counsel appearing for the petitioners also relied upon the decision of this Court in ***Crl.O.P.Nos.25382 and 25834 of 2018, dated 26.11.2018 in (Prakash and Munusanth Vs.Deepak kumar and another)*** wherein paragraph Nos.14 to 16 has held as follows:

“14. The above judgment gives a clear picture, with regard to the scope of power given to a Court under Section 446-A of Cr.P.C. Even though, the above judgment deals more with the consequence of an accused person, who does not appear, after being granted bail [bailable or non bailable offence], it can be seen that this Court has observed in more than one place that the sureties will have to make good the bond amount and the Court is entitled to proceed under Section 446 of Cr.P.C against the sureties for this purpose.

15. If the Court below finds that the accused persons has absconded and he is not appearing before the Court, rather than compelling the surety to continue, the Court below should have resorted to the cancellation of bail bond executed by the



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accused and proceeded further. As per the above judgment, the Magistrate should not have acted in such a helpless manner and should have straightaway resorted to Section 446-A Cr.P.C.

16. In view of the above discussion, this Court is of the considered view that the order of both the Courts below, suffers from illegality and the same requires interference by this Court. Accordingly, the order of the learned X Metropolitan Magistrate, as confirmed by the Principal Sessions Court, Chennai, are hereby set aside. The matter is remanded to the learned X Metropolitan Magistrate Court, Egmore, with a direction to the concerned Magistrate to initiate proceedings under Section 446 of Cr.P.C and if the petitioners are willing to make good the bond amount, the same may be realised by way of a penalty and the bond sureties executed by the petitioners may be forfeited. If the petitioners are not willing to make good the bond amount, the learned Magistrate can resort to the procedure under Section 446 of Cr.P.C for forfeiture of the bond and proceed further in accordance with law. The learned Magistrate is further directed to proceed against the accused persons under Section



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446-A of Cr.P.C, for the cancellation of the bail bond.”

5. In view of the decision of this Court, there shall be a direction to the learned Judicial Magistrate, Pattukottai to expedite the proceedings in M.C.No.16 of 2026 and accept the penalty of the surety bond furnished by the petitioners and discharge the petitioners from the liability of sureties of A2 following the procedure laid down by this Court in Crl.O.P.Nos.25382 and 25834 of 2018. The said exercise shall be completed within a period of ten days from the date of receipt of a copy of this order.

6. With the above said observations, this Criminal Original Petition is disposed of.

14.08.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

Note: Issue order copy on 17.08.2026



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WEB COPY To

1. The Judicial Magistrate Court,
Pattukottai.
2. The Inspector of Police,
Adhirampattinam Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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