

HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.4294 of 2015

ORDER :

This Criminal Petition under Section 482 of Cr.P.C., is filed by the petitioner/A.31, seeking to direct the learned IV Additional Judicial Magistrate of First Class, Chittoor District, to accept the sureties/solvency as furnished by the petitioner pursuant to the bail order dated 17.4.2015 in CrI.M.P.No.1083 of 2015 in respect of FIR.No.31 of 2014 of Kanipakam Police Station, Chittoor District, who are non-locals and consequently direct the learned Magistrate to order for release of the petitioner.

2. The petitioner was granted bail vide order dated 17.4.2015 in CrI.M.P.No.1083 of 2015 in respect of FIR.No.31 of 2014 of Kanipakam Police Station, Chittoor District, on furnishing personal bond of Rs.25,000/- and with two sureties for a like sum each to the satisfaction of the said Court. In compliance with the said order, when the petitioner has furnished two sureties, the learned Magistrate refused to accept the same and insisted to furnish local sureties. Hence, the present criminal petition.

3. It is represented by the learned counsel for petitioner that having granted bail, when the sureties were furnished, the learned Magistrate has refused to accept the same on the ground that the sureties are non-locals and insisted that local sureties be produced.

4 . Heard learned counsel for the petitioner as well as the learned Public Prosecutor and perused the material on record.

5. It is needless to say that insistence of sureties being local or non-local is not proper. The only requirement is that the Magistrate concerned has to satisfy about the authenticity and genuineness of the sureties produced. If the learned Magistrate is not satisfied about the authenticity and genuineness of the surety, it is open to him to refuse to accept the same, but the sureties cannot be refused on the ground of non-local.

6. Therefore, the learned Magistrate shall consider the sureties as and when produced by the petitioner without insisting for local or non-local and only after satisfying about the authenticity and genuineness of the sureties, he shall accept the same.

7 . Subject to above direction, this criminal petition is disposed of. Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE M.S.K. JAISWAL

11.06.2015.

Msr

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