

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED**Crl.O.P. (MD) Nos.10890 & 10892 to 10894 of 2017**

1.Sivamani : Petitioner in all Crl.O.Ps.

Vs.

1. State Rep.by
The Sub-Inspector of Police,
Vachakkarapatty Police Station,
Virudhunagar District
(Crime No.301 of 2016)

2. State Rep.by
The Sub-Inspector of Police,
Vachakkarapatty Police Station,
Virudhunagar District
(Crime No.296 of 2016)

: Respondents in Crl.O.P.No.10890/2017

State Rep.by
The Sub-Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District
(Crime No.282 of 2016)

: Respondent in Crl.O.P.No.10892/2017

State Rep.by
The Sub-Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District
(Crime No.346 of 2016)

: Respondent in Crl.O.P.No.10893/2017

1. State Rep.by
The Inspector of Police,
Sattur Police Station,
Sattur Taluk,
Virudhunagar District
(Crime No.346 of 2016)



2. State Rep.by
The Sub-Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District
(Crime No.603 of 2016)

:Respondents in Cr1.O.P.No.10894/2017

Prayer in Cr1.OP(MD)No.10890 of 2017: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition and to direct the Court of learned Judicial Magistrate No.II, Sattur to accept the common sureties, for the order passed in Cr.M.P.No.1937 of 2017 dated 23.06.2017 in Crime No.301 of 2016 by the Court of Principal District and Session Judge, Srivilliputhur and Viruthunagar and for the order passed in Cr.M.P.No.1938 of 2017 dated 23.06.2017 in Crime No.296 of 2016 by the Court of Principal District and Session Judge, Srivilluputhur and Viruthunagar.

Prayer in Cr1.OP(MD)No.10892 of 2017: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition and to direct the Court of learned Judicial Magistrate No.II, Sattur to accept common sureties, for the order passed in Cr.M.P.No.2418 of 2017 dated 01.08.2017 on the file of the Principal District and Session Judge, Srivilliputhur and Viruthunagar.

Prayer in Cr1.OP(MD)No.10893 of 2017: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition and to direct the Court of learned Judicial Magistrate No.II, Sattur to accept common sureties, for the order passed in Cr.M.P.No.911 of 2017 dated 15.02.2017 on the file of the learned Judicial Magistrate No.II, Virudhunagar.

Prayer in Cr1.OP(MD)No.10894 of 2017: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition and to direct the Court of learned Judicial Magistrate No.II, Sattur to accept the common sureties, for the order passed in Cr.M.P.No.833 of 2017 dated 15.02.2017 in Crime No.546 of 2016 by learned Judicial Magistrate No.II, Sattur and for the order passed in Cr.M.P.No.1936 of 2017 dated 23.06.2017 in Crime No.603 of 2016 by the Court of Principal District and Session Judge, Srivilliputhur and Viruthunagar.

For Petitioners
For Respondent

:Mr.M.Palanivel
:Mr.A.Ramar
Additional Public Prosecutor

**COMMON ORDER**

The above Criminal Original Petitions have been filed praying to modify the conditions imposed on the petitioner by the respective Courts by directing the concerned Court, to accept the common sureties.

2. The petitioner in Crime Nos. 301 & 296 of 2016 for the offence under Sections 397 and 392 of IPC., on the file of Vachakkarapatty Police Station, Virudhunagar District was in custody respectively from 20.10.2016 and 07.11.2016 onwards. Bail was granted in the above cases by the learned Principal District and Sessions Judge, Virudhunagar District, directing the petitioner to execute a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.1, Virudhunagar, as per order in Cr.M.P.Nos.1937 & 1938 of 2017 respectively, dated 23.06.2017.

3. The petitioner in Crime No. 346 of 2016, for the offence under Section 392 of IPC., on the file of Sub-Inspector of Police, Virudhunagar Rural Police Station, Virudhunagar District was granted statutory bail by the learned Judicial Magistrate No.II, Virudhunagar, as per order in Cr.M.P.No.911 of 2017, dated 15.02.2017, directing the petitioner to execute a bond for Rs.5,000/- with one surety each to the like sum.

4. The petitioner in Crime Nos.546 & 603 of 2016 for the offence under Sections 392 & 397 of IPC., respectively on the file of Inspector of Police, Sattur Police Station, Sattur Taluk, Virudhunagar District and the Sub-Inspector of Police, Virudhunagar Rural Police Station, Virudhunagar District, respectively, as per order in Cr.M.P.Nos.833 & 1936 of 2017 respectively dated 15.02.2017 and 23.06.2017 was granted bail by the learned Judicial Magistrate No.II, Sattur and the learned Principal District and Sessions Judge Virudhunagar District at Srivilliputhur, directing the petitioner to execute a bond for Rs.10,000/- with two sureties for like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur. In both the cases, the petitioner is in custody from 11.10.2016 and 17.10.2016 onwards.

5. The petitioner in Crime No.282 of 2016 for the offence under Section 392 of IPC., on the file of Sub-Inspector of Police, Aruppukottai Taluk, Taluk Police Station, Virudhunagar District was granted bail by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, as per order in Cr.M.P.No.2418 of 2017, dated 01.08.2017, directing the petitioner to execute a bond for Rs.10,000/- with two sureties for like sum each for the satisfaction of the learned Judicial Magistrate, Aruppukottai. The petitioner is in custody from 21.11.2016.



6. The learned counsel appearing for the petitioner states that the petitioner is a daily wager and there were no means to the petitioner. If the production of common sureties is not granted to the petitioner, he is no other option, except to remain in custody till the completion of all the criminal cases and he is the only breadwinner of their family members and without the presence of the petitioner, the family will suffer for their livelihood and no one come forward to give sureties to the petitioner and for that only reason, the petitioner cannot able to produce sureties. Hence, the petitioner seeks common sureties in the above cases.

7. Considering the above facts and circumstances of the case and also the inability of the petitioner herein in furnishing the sureties in each cases, this Court is inclined to grant the relief as sought for by the petitioner.

8. Accordingly, the Criminal Original Petitions are allowed and the the condition imposed by the Courts below in respect of producing separate sureties alone is modified to the effect that the petitioner is directed to produce common sureties of Rs.10,000/- (Rupees Ten Thousand Only) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur and the said Court is directed to accept the common sureties. The other conditions remain unaltered.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Srivilliputhur.
2. The Judicial Magistrate No.II,
Virudhunagar.
3. The Judicial Magistrate No.II,
Sattur,
4. The Sub-Inspector of Police,
Vachakkarapatty Police Station,
Virudhunagar District
5. The Sub-Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District



6. The Sub-Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District

7. The Inspector of Police,
Sattur Police Station,
Sattur Taluk,
Virudhunagar District

8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

9. The Record Keeper,
Criminal Section,
Madurai Bench of Madras High Court.

+1cc to M/S. R.CHANDRA SEKAR, Advocate, SR.No.73662.

Crl.O.P.(MD)Nos.10890 &
10892 to 10894 of 2017
21.08.2017

MPK

SDS/SKN:RSK/SAR 1/01.09.2017/5P/11C