

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

DATED : 21.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED**Crl.OP(MD)Nos.10891 & 10968 of 2017**

1.Ramachandran @ Pulli

: Petitioner in Crl.O.P.No.10891/2017

2.Soundira Pandi @ Pachakkani

: Petitioner in Crl.O.P.No.10968/2017

Vs.

State Rep.by
The Sub-Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District
(Crime Nos.346 & 301 of 2016)

: Respondent in both Crl.O.Ps.

Prayer in Crl.OP(MD)Nos.10891 of 2017: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition by directing the Hon'ble Court of Learned Judicial Magistrate No.II, Sattur, to accept the common sureties, 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 Crl.OP(MD)Nos.10968 of 2017: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to modify the condition and to direct the Hon'ble Court of Learned Judicial Magistrate No.II, Sattur, to accept the common sureties, order passed in Cr.M.P.No.1825 of 2017, dated 16.06.2017, in Crime No.301 of 2016, on the file of the Learned Principal District and Sessions Judge, Srivilliputhur.

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 direct the learned Judicial Magistrate No.II, Sattur, to accept the common sureties, for the order passed in Cr.M.P.Nos.911 & 1825 of 2017, dated 15.02.2017 & 16.06.2017 respectively on the file of the learned Judicial Magistrate No.II, Virudhunagar and the learned Principal District and Sessions Judge, Srivilliputhur at Virudhunagar.

2. The petitioner in Crime No.301 of 2016 for the offence under Section 397 of IPC., on the file of Vachakkarapatty Police Station, Virudhunagar District is in custody from 17.10.2016 onwards and he was granted bail by the learned Principal District and Sessions Judge, Virudhunagar District and the petitioner was directed 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.1825 of 2017 respectively, dated 16.06.2017.

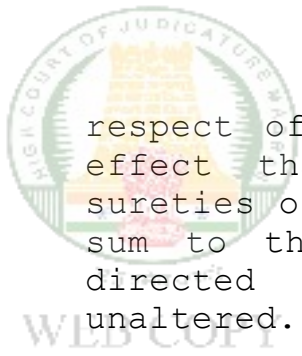
3. The petitioner in Crime No. 346 of 2016, for the offence under Section 392 of IPC., on the file of Sub-Inspector of Police, Virudhunagar Rural Police Station, Virudhunagar District is in custody from 20.10.2016 and was granted statutory bail by the learned Judicial Magistrate No.II, Virudhunagar, 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 learned counsel appearing for the petitioners states that the petitioners are not in a position to produce the separate sureties in all cases, since the total number of sureties come around four persons. He also submitted that the petitioners are daily wagers and there were no means to the petitioners. If the production of common sureties is not granted to the petitioners, they have no other option, except to remain in custody till the completion of all the criminal cases and they are the only breadwinner of their family members and without the presence of the petitioners, the families will suffer for their livelihood and no one come forward to give sureties to the petitioners and for that only reason, the petitioners cannot able to produce sureties, as ordered by this Court. Hence, the petitioners seek a common sureties in the above cases.

5. Considering the above facts and circumstances of the case and also the ability of the petitioners to furnish sureties in each cases, as per the orders of the bail Court, this Court is inclined to grant the relief as sought for by the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

6. Accordingly, the Criminal Original Petitions are allowed and the the condition imposed by the Court below in



respect of producing separate sureties alone is modified to the effect that the petitioners are directed to produce common sureties of Rs.10,000/- (Rupees Ten Thousand Only) each for a like sum to the satisfaction of the Court below, who in turn, is directed to accept the same. The other conditions remain unaltered.

Sd/-

Assistant Registrar(Writs)

/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 The Sub-Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Record Keeper,
Criminal Section
Madurai Bench of Madras High Court.

+1cc to M/S. R.CHANDRA SEKAR, Advocate, SR.No.73661.

Crl.OP (MD) Nos.10891 & 10968 of 2017
21.08.2017

MPK

SDS/SKN:RSK/SAR 1/01.09.2017/3P/8C