



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P. (MD) No.14574 of 2017

Sivamani

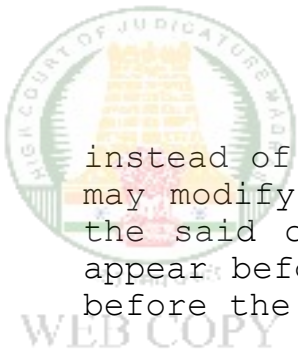
... Petitioner

Vs.

1. State Represented by the
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.786 of 2016)
2. State Represented by the
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.670 of 2016)
3. State Represented by the
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.123 of 2016)
4. State Represented by the
The Inspector of Police,
Sellur Police Station,
Madurai District.
(Crime No.2131 of 2016)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to modify the condition imposed by the learned Judicial Magistrate No.II, Madurai order passed in Cr.M.P.No.508 of 2017 dated 16.02.2017 by the learned Judicial Magistrate No.II, Madurai, order passed in Cr.M.P.No.615 of 2017 dated 24.02.2017 by learned Judicial Magistrate No.II, Madurai, order passed in Cr.M.P.No.510 of 2017 dated 16.02.2017 by learned Judicial Magistrate No.II, Madurai, order passed in Cr.M.P.No.499 of 2017 dated 27.01.2017 on the file of the Principal District and Sessions Judge, Madurai, which is pursuant to those orders instead of directions the petitioner is to comply with the surety satisfaction before various Magistrate Court, it may be modify to the effect the sureties satisfaction may be before the learned Judicial Magistrate No.II, Madurai, in all above said cases. Further



instead of direction to produce 12 persons to be stood as surety, it may modify to the effect that common sureties of 2 persons for all the said cases and further instead of direction the petitioner to appear before various police station they may be directed to appear before the learned Judicial Magistrate No.II, Madurai.

For Petitioner : Mr.M.Palanivel
 For Respondents : Mr.K.Anbarasan
 Government Advocate (Criminal side)

ORDER

The Criminal Original Petition has been filed under Section 439 (1)(b) of the Code of Criminal Procedure, to modify the condition imposed on the petitioner by the respective Courts by directing the concerned Court, to accept the common sureties.

2.The petitioner in Crime No.786 of 2016 for the offence under Section 379 of I.P.C., on the file of the Tallakulam Police Station, Madurai District, was in judicial custody from 01.12.2016 onwards. Bail was granted in the above cases by the learned Judicial Magistrate No.II, Madurai, as per the order in Cr.M.P.No.508 of 2017, dated 16.02.2017, directing the petitioner to execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum.

3.The petitioner in Crime No.670 of 2016 for the offences under Section 379 @ 392 of I.P.C., on the file of the Tallakulam Police Station, Madurai District, was in judicial custody from 01.12.2016 onwards. Bail was granted in the above cases by the learned Judicial Magistrate No.II, Madurai, as per the order in Cr.M.P.No.615 of 2017, dated 24.02.2017, directing the petitioner to execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum.

4. The petitioner in Crime No.123 of 2016 for the offences under Section 379 of I.P.C., on the file of the Tallakulam Police Station, Madurai District was in judicial custody from 01.12.2016 onwards. Bail was granted in the above cases by the learned Judicial Magistrate No.II, Madurai, as per the order in Cr.M.P.No.510 of 2017, dated 16.02.2017, directing the petitioner to execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum.

5. The petitioner in Crime No.2131 of 2016 for the offences under Sections 147, 148, 341, 120(b) and 302 of I.P.C., on the file of the Sellur Police Station, Madurai District was in judicial custody from 26.10.2016 onwards. Bail was granted in the above cases by the learned Principal Sessions Judge, Madurai, as per the order in Cr.M.P.No.499 of 2017, dated 27.01.2017, directing the petitioner to execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of Judicial



Magistrate No.II, Madurai.

6.The learned counsel for the petitioner submitted that 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 case, the condition already imposed on the petitioner is modified to the effect that the petitioner is directed to execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with one surety for a like sum each to the satisfaction of Judicial Magistrate No.II, Madurai and the said Court is directed to accept the same. The other conditions remain unaltered. Hence, this petition is ordered.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge, Madurai.
2. The Judicial Magistrate No.II, Madurai.
3. The Inspector of Police,
Tallakulam Police Station,
Madurai District.
4. The Inspector of Police,
Sellur Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.M.PALANIVEL, ADVOCATE IN SR No. 84190

MRN/VSG