



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2017

CORAM:

THE HON'BLE MR.JUSTICE **A.M.BASHEER AHAMED**

Crl.R.C. (MD) No. 453 of 2017

K. Otchammal

... Petitioner

Vs.

State through
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.61 of 2014)

... Respondent

Prayer: Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records connected with the impugned rejection of sureties in Cr.M.P.No.3418 of 2017 dated 05.06.2017 passed by the learned Judicial Magistrate, Thirumangalam at Madurai and set aside the same as illegal and consequently to direct the learned Judicial Magistrate, Thirumangalam at Madurai to accept the sureties produced by the petitioner in Crime No.61 of 2014 on the file of the respondent police.

For Petitioner : Mr.I. Sabeer Mohammed
For Respondent : Mr.C.Mayilvahana Rajendiran,
Additional Public Prosecutor.

ORDER

The learned counsel appearing for the petitioner is present. Mr.C.Mayil Vahana Rajendiran, learned Additional Public Prosecutor takes notice for the respondent.

2. The present revision is preferred against the rejection of surety by the learned Judicial Magistrate, Thirumangalam at Madurai, in respect of bail order issued in favour of the accused, who is the son of the petitioner herein. The accused is in Prison. Hence, the mother of the said accused filed the present revision.

3. Admittedly, the accused was granted bail by the Vacation Sessions Judge, Madurai stating that the accused is ordered to be released on his own bond of Rs.10,000/- with two sureties like sum each to the satisfaction of the learned Judicial Magistrate, Thirumangalam. While the sureties were produced before the learned Judicial Magistrate, Thirumangalam, the sureties were



rejected by the concerned Magistrate stating that one of sureties stands as surety for one more case, in the month of November 2016 and the another surety does not furnish sufficient information about the accused. Aggrieved by that order, the present revision is filed.

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4. The petitioner herein is one of the sureties and the reason assigned by the learned Judicial Magistrate, Thirumangalam is not legally acceptable one. The counsel for the petitioner referred to a decision of this Court reported in 2017(3) CTC 291 between Sagayam @ Devasagayam Vs. State. Rep. by the Inspector of Police, G-7, Chetpet Police Station, Chennai, wherein it was held that one person can be surety for more than one accused. The other surety also has mentioned in the affidavit that he is a friend of the accused. The Court should be satisfied by his genuineness, identity of the surety and his residential address.

5. Hence, this Court is inclined to set aside the order passed by the learned Judicial Magistrate, Thirumangalam, rejecting the sureties and directed the concerned Magistrate to accept the sureties, after verifying the genuineness, identity of surety and residential address on proof of acceptable documents.

6. With the above direction, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1 The Judicial Magistrate, Thirumangalam.
- 2 The Chief Judicial Magistrate, Madurai.
- 3 The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.61 of 2014)
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.I. Sabeer Mohammed, Advocate SR.No. 60113

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