



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) .No.639 of 2017

and

Crl.M.P. (MD) .No.7192 of 2017

S.Murugeson

... Petitioner/Accused

-Vs-

State through the
The Inspector of Police,
West Police Station,
Virudhunagar,
Virudhunagar District.

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 402 of the Code of Criminal Procedure, praying to set aside the order dated 10.07.2017 made in surety memo on the file of the learned Judicial Magistrate No.1, Virudhunagar and direct the learned Judicial Magistrate, No.I, Virudhunagar to comply the order dated 09.06.2017 in Crl.M.P.No.4657 of 2017 in Crl.O.P.No.1034 of 2017 on the file of this Court.

For Petitioner: Mr.M.Vijayarathinam

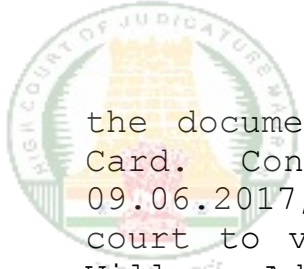
For Respondent: Mr.C.Mayil vahana Rajendran

Additional Public Prosecutor (Crl. Side)

O R D E R

Challenging the rejection of surety memo submitted by the petitioner, the present Criminal Revision Petition has been filed.

2.The petitioner is an accused in C.C.No.173 of 2015 for an offence under Section 392 I.P.C and he was arrested on 03.06.2015. Thereafter, the petitioner moved a bail application and the trial court granted bail, by an order dated 11.12.2015 with a condition that he should produce surety with property documents and the petitioner was also directed to appear before the court below. Since property documents are not available, the petitioner filed a petition in Crl.O.P.(MD).No.1034 of 2017 before this Court, to modify the said order. This Court, by an order dated 08.02.2017, modified the order, directing the petitioner to produce the document in respect of his permanent address. Thereafter, the petitioner filed a petition in Crl.M.P.No.4657 of 2017 in Crl.O.P.No.1034 of 2017 to further modify the above condition on the ground that he was in jail, hence, he was not able to produce

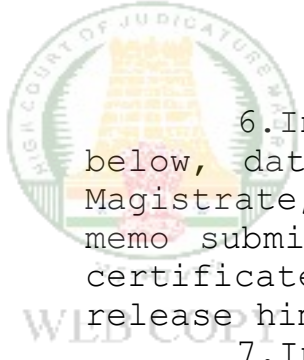


the documents like Aadhar Card, Ration Card and Voter's Identity Card. Considering all those facts, this Court, by an order dated 09.06.2017, further modified the condition, directing the trial court to verify the credibility of the certificate issued by the Village Administrative Officer and also the surety furnished and also consider his bail application. Thereafter, the petitioner filed the certificate, dated 04.07.2017 issued by the Village Administrative Officer, Velambur, Peraiyur Taluk, Madurai District, before the trial court, stating that the petitioner has resided in Door No.5/43, Velambur Bit-I Village, Peraiyur Taluk, Madurai District, two years prior to the issuance of certificate. He filed the above certificate along with the Family Card. The court below rejected the bail petition filed by the petitioner, on the ground that it is stated in the certificate issued by the Village Administrative Officer that the petitioner has resided in the said address two years before the issuance of certificate and hence, the certificate issued by the Village Administrative Officer cannot be considered as permanent residence certificate. Challenging the said order, the present Criminal Revision has been filed.

3. have heard Mr.M.Vijayarathinam, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

4.This Court, by an order dated 08.02.2017, has already modified the condition and directed the petitioner to produce a document relating to permanent address, subsequently, by an order dated 09.06.2017, directed the court below only to verify the credibility of the certificate, issued by the Village Administrative Officer. The learned Judicial Magistrate, now, rejected the bail petition, filed by the petitioner on the ground that the certificate, issued by the Village Administrative Officer cannot be considered as a permanent residential certificate.

5.From the perusal of the certificate, issued by the Village Administrative Officer, it is clear that the Village Administrative Officer has only stated that the petitioner has resided in the above said address two years before the issuance of certificate, and as per the certificate issued by the Village Administrative Officer, it could be seen that the petitioner has resided in Velambur Bit-I Village two years prior to the issuance of certificate i.e in the year 2015 and the petitioner was arrested in the year 2015 and he is still in judicial custody and apart from that, the petitioner also produced a copy of the Family Card. In the above circumstances, without considering the same, the court below has mechanically dismissed the bail



6. In the above circumstances, the order passed by the court below, dated, 10.07.2017, is set aside and the learned Judicial Magistrate, No.I, Virudhunagar is directed to accept the surety memo submitted by the petitioner along with family card and the certificate issued by the Village Administrative Officer and release him on bail immediately.

7. In the result, this Criminal Revision Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/Truecopy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Virudhunagar.

2. The Inspector of Police,
West Police Station,
Virudhunagar,
Virudhunagar District.

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

+1cc to M/S.M.VIJAYARATHINAM, Advocate SR.No.71560

vs

MAS/KK/SAR3:11.08.2017:3P-5C

Cr1.R.C(MD) No.639 of 2017
09.08.2017