

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.10498 of 2018

V.Alagaiah

...Petitioner/Accused No.3

vs.

State rep. by the Inspector of Police

District Crime Branch

Perambalur

Perambalur District.

...Respondent/complainant

Criminal Original Petition filed under Section 482, Cr.P.C. seeking a direction to the learned Judicial Magistrate, Perambalur to return the original land documents of sureties with reference to Crime No.7 of 2016.

For petitioner : Mr.M.Chidambaram

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the Judicial Magistrate, Perambalur to return the original land documents of sureties with reference to Crime No.7 of 2016.

2. The petitioner was released on anticipatory bail on 25.05.2016 by the Sessions Judge, Mahila Court, Perambalur in Crl.M.P.No.400 of 2016 on certain conditions, one of which, is that the petitioner shall in the event of his arrest or surrender before the Judicial Magistrate Court, Perambalur concerned he shall be released on bail on executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate Court, Perambalur, along with furnishing security of immovable property to the value of Rs.3,00,000/- by each surety in the Judicial Magistrate Court, Perambalur.

3. Pursuant to the said condition, one Ramaiah and one Saravanan stood sureties for the petitioner and it is stated that they have submitted their original title deeds to the Judicial Magistrate, Perambalur. While so, the petitioner has filed the present petition under Section 482 Cr.P.C. seeking a direction to the Judicial Magistrate, Perambalur, to return the original title deeds of Ramaiah and Saravanan and substitute the same with photo copies.

4. The learned counsel for the petitioner submitted that in similar circumstances, orders have been passed in favour of Pandikannan (A1) and D.Saranya (A2).

5. In the opinion of this Court, a direction under Section 482 Cr.P.C. cannot be issued directly, without the petitioner approaching the Judicial Magistrate, Perambalur. Under Section 444 Cr.P.C., the sureties can be discharged and other sureties can be furnished by the accused. The very idea of furnishing sureties before the Judicial Magistrate, Perambalur, is to ensure that the accused should not abscond during trial. The Sessions Judge, Mahila Court, Perambalur has very clearly stated that each surety should furnish security of immovable property to the value of Rs.3,00,000/-. It is also open to the petitioner to approach the Sessions Judge, Mahila Court, Perambalur, for modification of the said condition imposed by the order dated 25.05.2016 in CrI.MP.No.400 of 2016 and shall undertake to deposit cash under Section 445 Cr.P.C.,

6. Hence, this petition is closed, with liberty to the petitioner to work out his remedy in the manner stated above.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Mahila Court, Perambalur District.
2. The Judicial Magistrate,
Perambalur District.
3. The Inspector of Police
District Crime Branch
Perambalur
Perambalur District.
4. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.Chidambaram Advocate sr 36298

CrI.O.P. No.10498 of 2018

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