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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Order Reserved on : 27.6.2018

Order Pronounced on : 24.08.2018

CORAM

THE HONOURABLE MR. **JUSTICE D.KRISHNAKUMAR**

**Crl.O.P. (MD) No.8229 of 2018**

1 Alphones  
2 Vetrivel  
3 Muthu kumar  
4. Manikandan @ Mani ... Petitioners/Accused

Vs.

The Inspector of Police,  
Pavurchathiram Police Station,  
Tirunelveli District. ... Respondent/Complainant  
Crime No.81,83,172/2017

**Prayer:** Petition is filed under Section 482 Cr.P.C, seeking direction to the Judicial Magistrate, Tenkasi to accept two sureties in common for the bail orders in Crl.M.P.No.7593 and 7594 of 2017 on the file of the Judicial Magistrate, Tenkasi instead of two sureties in each cases.

For petitioners : Mr.S.Chellapandian  
For respondent : Mr.K.K.Ramakrishnan  
Govt. Advocate (Crl.side)

**O R D E R**

There are three cases registered against the petitioners in Cr.No.172 of 2017, Cr.No.81 of 2017 and Cr.No.83 of 2017 for the offences under Section 457 and 380 I.P.C. Petitioners were arrested on 10.5.2017 for the said offences. Petitioners 3 and 4 have filed an application in Crl.M.P.No.7593 of 2017 before the learned Judicial Magistrate, Tenkasi for grant of bail for the case in Cr.No.172 of 2017. Petitioners 1 to 4 have filed Crl.M.P.No.7593 of 2017 before the court below for the case in Cr.No.81 of 2017. Petitioners 1 to 4 have filed Crl.M.P.No.7594 of 2017 before the court below for the case in Cr.No.83 of 2017.



2 Learned Judicial Magistrate, Tenkasi by orders, dated 6.10.2017 while granting bail to the petitioners, has imposed the following conditions:

**WEB COPY** Petitioners shall execute a bond for Rs.10,000/- each along with two individual sureties for all the accused separately and the sureties shall execute a bond for the likesum.

3 Learned counsel for the petitioners/accused would submit that the petitioners have been implicated in cases in Cr.No.172 of 2017, Cr.No.81 of 2017 and Cr.No.83 of 2017 for the offences under Section 457 and 380 I.P.C.. Challenging the orders passed by the learned Judicial Magistrate, Tenkasi, dated 6.10.2017 in CrI.M.P.No.7593 and 7594 of 2017, the petitioners are before this Court to quash the same in so far as the condition that the petitioners have to produce two individual sureties apart from execution of personal bond. The learned counsel for the petitioners/accused relied on the decision of this Court in **Balu @ Palavesam vs. State (CrI.O.P.(MD) No.23635 of 2014, dated 5.1.2015)** wherein this Court held as follows:

*"3. Considering the facts and circumstances of the case, this Court is of the view that the two sureties required in each of the case may be common in all cases.*

4. Accordingly, this Court directs the learned Judicial Magistrate Court No.I, Thoothukudi to accept two sureties common for the bail orders in Cr.M.P.No.6127 of 2014, CrI.M.P.No.5919 of 2014, Cr.M.P.No.5918 of 2014, Cr.M.P.No.5915 of 2014, 5914 of 2014, 5916 of 2014, 5917 of 2014 and 6070 of 2014 instead of two sureties in respect of each bail order. This Court would pass further order of modification to the effect that the petitioner shall appear before South police station, Thoothukudi, daily twice at 9.00 a.m. and 6.00 p.m. until further orders.

5. With the above modification, this Criminal original petition is disposed of."

4. In **Sivamani vs. State (CrI.O.P.(MD) No.10890 and 10892 to 10894 of 2017, dated 21.8.2017)** this Court held as follows:

*"8. Accordingly, the Criminal original petitions are allowed and the condition imposed by the Court below in respect of producing*



*separate sureties alone is modified to the effect that the petitioner is directed to produce common sureties of Rs.10,000/- (Rupees ten thousand only) each for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Sattur and the said court is directed to accept the common sureties. The other conditions remain unaltered."*

5. In the aforesaid cases, this Court has passed an order modifying the condition imposed, by directing the petitioner to produce common sureties and execute a bond for Rs.10,000/- for likesum to the satisfaction of the learned Judicial Magistrate, Sattur. Therefore, counsel for the petitioners herein seek to modify the condition by directing the petitioners to produce common sureties instead of separate sureties in the aforesaid cases.

6. The learned Govt. Advocate (Crl.side) would submit that the petitioners are involved in various offences and has absconded for several months to evade from the clutches of law and also relied upon the decision of this Court in **S.Velu @ Velautham vs. State (Crl.O.P.(MD) No.11888 of 2017, dated 4.10.2017)** wherein this Court held as under:

*"4. The petitioner was charged for the offences under Section 392 and 397 I.P.C. Having regard to the gravity of the offences alleged in the complaint against the petitioner, the condition imposed by the lower court appears to be reasonable and this Court does not find any reason to interfere with this petition. Hence, the Criminal original petition is dismissed."*

7. In the case in hand, the petitioners were arrested on 10.5.2017 and remanded in prison for more than one year. Therefore, considering the period of incarceration of the petitioners, gravity of the offence alleged against the petitioners and the decisions of this Court cited supra, this Court is inclined to quash the orders, dated 6.10.2017 in Crl.M.P.No.7593 and 7594 of 2017 passed by the learned Judicial Magistrate, Tenkasi in so far as the condition that the petitioners shall produce two individual sureties in all the cases.

8. Accordingly, the orders passed by the learned Judicial Magistrate, Tenkasi, dated 6.10.2017 in Crl.M.P.No.7593 and 7594 of 2017 are quashed to the aforesaid extent by modifying the condition that the petitioners are directed to produce two common sureties in all the cases.



Criminal original petition is allowed on the above terms.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Judicial Magistrate, Tenkasi
2. The Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police  
Pavurchathiram Police Station,  
Tirunelveli District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC To MR.S.CHELLAPANDIAN, Advocate SR. NO. 80450

**Cr1.O.P.No.8229 of 2018**

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