



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.17122 of 2018

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Suresh

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
CBI/ACB/SPE,
Madurai.

R.C.No.229/2018 A 001

...Respondent

PRAYER: This Criminal Original Petition has been filed under Section 439(1)(b) of Criminal Procedure Code, to set aside the order passed in Application No.2/235 in R.C.No.229/2018 A 001, dated 18.09.2018, passed by the learned II-Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai and direct the learned II Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai, to accept the surety given by A.Mohammed Salishu, S/o. Ahamed Miran, without insisting for the registered title document.

For Petitioner : Mr.A.Selvendran

For Respondent : Mr.N.Nagendran
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to set aside the order passed in Application No.2/235 in R.C.No.229/2018 A 001, dated 18.09.2018, by the learned II-Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai and direct the learned II Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai, to accept the surety given by A.Mohammed Salishu, S/o. Ahamed Miran, without insisting for the registered title document.

2. The learned counsel for the petitioner would submit that the petitioner was released on bail by this Court in Crl.O.P.(MD). No.16136 of 2018, by an order dated 11.09.2018, subject to the following conditions:-

"(i) the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, namely Ravi, S/o.Veeramalai and Thangaraj, S/o.Veeramalai and



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the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, namely, R.Santhanakrishnan, S/o.Ramachandran and A.Mohammed Salishu, S/o.Ahamed Miran for a likesum to the satisfaction of the learned II Additional District and Sessions Judge (Special Judge for CBI Cases), Madurai;

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders."

3. The learned counsel for the petitioner would further submit that on 18.09.2018, the petitioner produced the surety, namely, R.Santhanakrishnan, S/o.Ramachandran and A.Mohammed Salishu, S/o.Ahamed Miran, before the learned II Additional District and Sessions Judge (Special Judge for CBI Cases), Madurai. The learned II Additional District and Sessions Judge (Special Judge for CBI Cases), Madurai, accepted the surety of R.Santhanakrishnan and rejected the surety of A.Mohammed Salishu, on the ground that the copy of the sale deed does not stand in the name of the surety.

4. It is seen from the documents produced by the petitioner, the final decree passed by the learned Sub-Court No.III, Madurai, in O.S.No.176 of 2002, dated 27.03.2002, in a partition suit, which was allotted to A.Mohammed Salishu, S/o.Ahamed Miran, as mentioned in the schedule situated at T.S.1365/A, ad-measuring 844 Sq.ft., situated at Consapuram New Street, Consapuram Extension, Koripalayam Sekaram, Ward No.15, Thallakulam, Madurai District. After the partition, the said property was mutated in the revenue records in his name. He also paid property tax for the said property. The learned II Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai, erroneously rejected the surety, as if, the said surety produced does not stand in his name.

5. Therefore, the order in No.2/235 in R.C.No.229/2018 A 001, dated 18.09.2018 passed by the learned II-Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai, is set aside and consequently, the learned II-Additional District and Sessions Judge (Special Cases for CBI Cases), Madurai, is directed to accept the surety produced by Mr.A.Mohammed Salishu, S/o.Ahamed Miran, without insisting for the registered title document.

6. Accordingly, the Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

1.The II-Additional District and Sessions Judge
(Special Cases for CBI Cases), Madurai.

2.The Sub-Judge No.III, Madurai.

3.The Inspector of Police,
CBI/ACB/SPE,
Madurai.

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

+1CC to Mr.A.Selvendran, Advocate, SR.No.18477

Cr1.O.P. (MD) .No.17122 of 2018
27.09.2018

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