IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.Nos.8731, 8732, 8734 & 8735 of 2019

Siva @ Sivakumar
... Petitioner in all Crl.O.Ps

Vs.

State rep. by
The Inspector of Police,
E-1, Mylapore Police Station,
Chennai. ... Respondent in all Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 482 Cr.P.C. to direct the XVIII Metropolitan Magistrate at Saidapet, Chennai to accept the sureties of petitioner's wife Metha W/o.Sivakumar and his mother in law Rajila W/o.Perumal in Crime No.15 of 2019 dated 12.03.2019 in Crl.M.P.No.198 of 2015, Crime No.16 of 2019 dated 12.03.2019 in Crl.M.P.No.197 of 2019, Crime No.14 of 2019 dated 12.03.2019 in Crl.M.P.No.196 of 2019, Crime No.18 of 2019 dated 12.03.2019 in Crl.M.P.No.199 of 2019 respectively on the file of the respondent.

For Petitioner in all Crl.O.Ps : Mr.N.Naresh

For Respondent in all Crl.O.Ps : Mr.M.Mohamed Riyaz
Addititional Public Prosecutor

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C O M M O N O R D E R

These Criminal Original Petitions have been filed seeking to direct the XVIII Metropolitan Magistrate at Saidapet, Chennai to accept the sureties of petitioner wife Metha W/o.Sivakumar and his mother in law Rajila W/o.Perumal in Crime No.15 of 2019 dated 12.03.2019 in Crl.M.P.No.198 of 2019, Crime No.16 of 2019 dated 12.03.2019 in Crl.M.P.No.197 of 2019, Crime No.14 of 2019 dated 12.03.2019 in Crl.M.P.No.196 of 2019, Crime No.18 of 2019 dated 12.03.2019 in Crl.M.P.No.199 of 2019 respectively on the file of the respondent.

2. It is seen that the conditions imposed by the learned XVIII Metropolitan Magistrate at Saidapet, Chennai,

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dated 12.03.2019, on certain conditions, which is as follows:

> " In the above circumstances this petitioner is entitled to be enlarged on bail, as per the benevolent provision of section 167 (2) Cr.P.C. Hence this Court is hereby inclined to enlarge this petitioner on bail with stringent conditions.
> (a) Accordingly this petitioner is hereby ordered to be released on bail on their executing a bond for a sum of Rs.5000/- with two sureties each for a like sum to the satisfaction of this Court.
>
> (b) The accused should give one blood surety.
>
> (c) The accused shall appear and sign before the respondent police station daily at 10 a.m. for one month."

3. The learned counsel for the petitioner submitted that the petitioner wife and her mother filed sureties affidavits for executing surety in which was rejected by XVIII Metropolitan Magistrate, Saidapet, Chennai on 15.03.2019 stating that petitioner family card having several court seal affixed on it. Petitioner is a habitual offender and his wife alone a blood relative and his mother in law are only source for executing sureties and even though the petitioner was granted mandatory bail but unable to executing surety due to petitioner family card having several court seal affixed on it and he has been incarceration from 11.01.2019. The learned counsel for the petitioner further submits that the petitioner wife and his mother in law were given surety in old cases and no other blood relatives are available for executing surety. Hence, sureties may be accepted in this Crime Numbers.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the conditions (a) & (b) imposed by the XVIII Metropolitan Magistrate at Saidapet, Chennai to the effect that the petitioner shall execute a bond for Rs.5,000/- (Rupees Five Thousand only) with two sureties for the like sum to the satisfaction of the XVIII Metropolitan Magistrate at Saidapet, Chennai. All other conditions imposed in Crime No.15 of 2019 dated 12.03.2019 in Crl.M.P.No.198 of 2015, Crime No.16 of 2019 dated 12.03.2019 in Crl.M.P.No.197 of 2019, Crime No.14 of 2019 dated 12.03.2019 in Crl.M.P.No.196 of 2019, Crime No.18 of 2019 dated 12.03.2019 in Crl.M.P.No.199 of 2019 respectively shall remain intact.

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5. Accordingly, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The XVIII Metropolitan Magistrate, Saidapet
   Chennai.

2.do Thro The Chief Metropolitan Magistrate,
  Egmore, Chennai-8.

3. The Inspector of Police,
   E-1, Mylapore Police Station, Chennai.

4. The Public Prosecutor,
   High Court, Madras.

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svn(co)
nr 29/05/2019

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