



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.9502 of 2020

N.Anbu Bagurdeen

... Petitioner

Vs.

The State rep by
Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(In crime No.15 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate No.I, Ramanathapuram, to accept the sureties filed by the petitioner on behalf of his son Shiek Dawood, son of Anbu Bagurdeen, based on the orders passed by the learned Principal District and Session Judge, Ramanathapuram, in Crl.M.P.No.2002/2020, dated 27.08.2020 in Crime No.15 of 2020 on the file of the respondent police.

For Petitioner	: Mr.Seenisulthan
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to direct the learned Judicial Magistrate No.I, Ramanathapuram, to accept the sureties filed by the petitioner on behalf of his son Shiek Dawood, in complying with the order passed by the learned Principal District and Session Judge, Ramanathapuram in Crl.M.P.No.2002/2020 dated 27.08.2020 in respect to Crime No.15 of 2020 on the file of the respondent police.

2.The learned counsel for the petitioner would submit that the son of the petitioner namely Shiek Dawood is an accused in Crime No.15 of 2020 on the file of the respondent police. On 27.08.2020, while at the time of passing order in Crl.M.P.No.2002 of 2020, the learned Principal District and Session Judge, Ramanathapuram, granted statutory bail to the said Shiek Dawood with the following conditions:-

"The petitioner is hereby granted bail on execution of a bond for Rs.50,000/- with two sureties out whom one shall be blood relatives of the accused for the like sum to the satisfaction of the learned Judicial Magistrate

of Ramanathapuram and on further conditions that:



1) the petitioner shall stay at Ramanathapuram and appear and sign before the Deputy Superintendant of Police, Ramanathapuram daily at 10.00 a.m., and 05.00 p.m until further orders.

2) the petitioner shall not tamper with evidence or witness during trial.

3) the petitioner shall not abscond during trial

4) If the petitioner fails to comply the above said conditions, the bail order shall stands dismissed automatically."

3. Accordingly, the accused was directed to produce the sureties before the learned Judicial Magistrate No.I, Ramanathapuram. Consequently, on 28.08.2020, in complying with the order passed by the learned Principal District and Session Judge, Ramanathapuram, the petitioner, who is the father of the accused, filed a surety memo before the learned Judicial Magistrate No.I, Ramanathapuram, but unfortunately the said surety memo filed by the petitioner herein was returned by the learned Judicial Magistrate No.I, Ramanathapuram, with the following reasons:-

திருப்பப்படுகிறது

1. எதிரியின் ஆதார் கார்டு மற்றும் குடும்ப அட்டை *original* தாக்கல் இல்லை.

2. ஜாமீந்தார் வயது 64 என்பதால் இம்மனு திருப்பப்படுகிறது.

4. Now on considering the reasons stated by the learned Judicial Magistrate No.I, Ramanathapuram for returning the surety memo, I do not understand under what circumstance the said return was endorsed by the learned Judicial Magistrate. Since the accused is in the judicial custody, it cannot possible to show the original Aadhaar card and the family card, which pertains to the accused. More than that the another reason mentioned for returning the surety memo is very peculiar, only because of the reason that the petitioner is aged about 64 years, the surety memo filed by the petitioner is returned. The said situation is unheard by this Court. Ultimately, this Court came to understand only for the purpose of returning the surety memo, the said flimsy reasons are invented by the learned Judicial Magistrate No.I, Ramanathapuram. Therefore, the said attitude committed by the learned Judicial Magistrate is unwarranted. In fact there is no prohibition for accepting the surety, who is having the age 64 years. Though accepting the sureties is within the domain of the Magistrate, it can be used by considering the circumstances which are all necessary for the appearance of the accused in future hearings. Hence, it would be appropriate to issue direction to the learned Judicial Magistrate No.I, Ramanathapuram, in respect of

services as requested by the petitioner.



5. In view of the above, the learned Judicial Magistrate No.I, Ramanathapuram, is directed to accept the surety memo filed by the petitioner without insisting the production of Aadhaar card and family card which belongs to the accused and without considering the age of the petitioner. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Judicial Magistrate No.I,
Ramanathapuram.
2. The Principal District and Sessions Judge,
Ramanathapuram.
3. Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.9502 of 2020
09.09.2020

SJ(CO)

KM (23.09.2020) 3P 5C