

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.OP.NO.7318 OF 2021

Arun

... Petitioner

Versus

The State represented by
Inspector of Police(L&O),
K-3, Aminjikarai Police Station,
Chennai - 600 029.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Metropolitan Magistrate Court at Egmore, Chennai to accept the memorandum and bail bond for execution of sureties for the petitioner/accused namely Arun in Crime No.93 of 2021 on the file of the Inspector of Police (L&O), K-3, Aminjikarai Police Station, Chennai.

For Petitioner : Mr.B.Ganesha Moorthy

For Respondent : Mr.C.Raghavan,
Government Advocate

ORDER

The petitioner is the accused in Crime No.93 of 2021 for the offences punishable under Section 4(1)(A) of TNP Act.

2. The contention of the learned counsel for the petitioner is that the respondent police arrested the petitioner and produced him before the learned V Metropolitan Magistrate, Egmore, Chennai on 17.03.2021. From the remand requisition and the materials produced, the lower court found that the offence under Section 4(1)(A) of TNP Act was not made out and the petitioner/accused was remanded under Sections 4(1)(a), 4(1)(i) read with Section 24 of TNP Act. Since the offence was bailable offence, the petitioner was granted bail on condition to execute bond for Rs.10,000/- with two sureties. The lower court further directed the petitioner/accused to appear before the Court on

next day, ie., on 18.03.2021 to execute bail bond, failing with the bail will be cancelled automatically.

3. The petitioner hail from Pudukottai and hence, immediately he was unable to arrange the sureties. Therefore, he arranged for sureties, appeared before the lower court and submitted the memorandum for execution of bail bond on 19.03.2021, which was rejected and returned since the condition imposed by the Magistrate was not complied.

4. As per Section 436 of Cr.P.C., once an accused is ready to give sureties, he shall be released on bail and the only condition is that the sureties to be produced. In this case, considering the fact that the petitioner hail from a far place, it is impossible for him to arrange for sureties on the next day and therefore lower court ought not have rejected the memorandum for execution of bail. In view of the same, this Court directs the lower court to accept the sureties, considering the fact that the offence is a bailable offence.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The V-th Metropolitan Magistrate,
Egmore, Chennai
2. The State represented by
Inspector of Police(L&O),
K-3, Aminjikarai Police Station,
Chennai - 600 029.
3. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.B.Ganesha Moorthy, Advocate, S.R.No.24083

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RSV(CO)
CS/22/06/2021