



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.15541 of 2020

Abu Hyder Ali

... Petitioner/1st Accused

Vs.

State of Tamil Nadu
Represented by the Sub Inspector of Police,
South Gate Police Station,
Madurai.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate No.IV, Madurai to accept the sureties to be produced by the petitioner in Cr.M.P.No.666 of 2020 dated 14.07.2020.

For Petitioner	:	Mr.R.Jegadeeswaran
For Respondent	:	Mr.V.Neelakandan Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.IV, Madurai to accept the sureties to be produced by the petitioner in Cr.M.P.No.666 of 2020 dated 14.07.2020.

2.The learned counsel for the petitioner would submit that the respondent police registered a case against the petitioner and others in Crime No.14 of 2020 for the alleged offence under Sections 170, 34, 379, 417 and 420 I.P.C. Based on that, the petitioner was arrested and remanded to judicial custody on 13.02.2020. Thereafter, the petitioner and other accused moved the statutory bail application before the Judicial Magistrate No.IV, Madurai in Cr.M.P.No.666 of 2020 under Section 167(iii) Cr.P.C and the same was allowed and granted mandatory bail on 14.07.2020 with a condition that each accused shall execute a bond of Rs.10,000/- with two sureties. The accused were not able to arrange the sureties in time as they all belong to the State of Madhya Pradesh. The learned counsel further submitted that he made arrangement for the sureties and submitted before the learned Judicial Magistrate No.IV, Madurai. But, the learned Magistrate has not accepted the sureties of the petitioner on



the sole ground that the mandatory bail time is lapsed. The learned counsel appearing for the petitioner would submit that the petitioner's son and brother are ready to give surety.

3.The learned Additional Public Prosecutor appearing for the respondent, on instruction, would submit that the petitioner and other accused in this case belong to the State of Madhya Pradesh. He further submitted that the petitioner has not produced any proof with regard to execute the sureties before the Judicial Magistrate concerned.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5.The petitioner has come forward with the present petition to direct the learned Judicial Magistrate No.IV, Madurai to accept the sureties to be produced in Cr.M.P.No.666 of 2020 dated 14.07.2020. Considering the submission made by the petitioner that the petitioner's son and brother are ready and willing to give surety, the learned Judicial Magistrate No.IV, Madurai shall consider the same.

6.With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS-)

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.IV, Madurai.
2. The Sub Inspector of Police
South Gate Police Station
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GNS

TE : 01/03/2021 : 2P/4C

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