



Crl.MP.No.15899 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.15899 of 2022
in Crl.O.P.No.22221 of 2022

J.Nandhakumar

... Petitioner

Vs.

The State Rep by its
The Inspector of Police,
AWPS Guindy Police Station,
Guindy, Chennai-600 032.
(Crime No.5 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C praying to modify the blood surety as relative surety in Crl.O.P.No.22221 of 2022.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



Crl.MP.No.15899 of 2022

WEB COPY

ORDER

This petition has been filed seeking to modify the blood surety as relative surety in Crl.O.P.No.22221 of 2022.

2. The learned counsel for the petitioner would submit that he was arrested in Cr.No.5 of 2022 for the offence under Section 376(3), 376(2)(n), 506(i) IPC and 5(1)(N), 5(j)(ii) r/w 6 of POCSO Act, 2012. He would submit that earlier, the petitioner had filed Crl.O.P.No.22221 of 2022, seeking for modification of the condition imposed by the learned Sessions Judge of Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu and this Court by order dated 23.09.2022 modified the condition, directing the petitioner to execute two blood related sureties instead of Government surety. Pursuant to the order, the petitioner had approached the Court concerned and on behalf of the petitioner, his wife and father-in-law had offered to stand as sureties. Whereas, the trial Court had refused to accept the sureties, saying that wife and father-in-law are not blood relatives. Thereby, the present



Crl.MP.No.15899 of 2022

application has been filed to permit the petitioner's wife and father-in-law to stand as sureties to him.

3. Heard the learned counsel on both sides and perused the available materials on records.

4. It is the case, where the petitioner had been remanded to judicial custody on 02.04.2022 and he has been granted bail by the trial Court. Originally, the trial Court had directed the petitioner to furnish government surety. Since he was unable to furnish government surety, the petitioner had filed for modification in Crl.O.P.No.22221 of 2022 and this Court, by order dated 23.09.2022, had directed the petitioner to furnish two blood related sureties. Now, it is submitted by the counsel for the petitioner that despite the petitioner's wife and father-in-law offering to stand as sureties, the learned trial Judge is not accepting the sureties.

5. In view of the above, I do not find any error in the order of rejection made by the learned Judge. Since this Court had directed the



Crl.MP.No.15899 of 2022

WEB COPY

petitioner to furnish blood sureties, as rightly pointed out by the learned trial Judge, the wife and father-in-law of the petitioner will not fall in the category of blood relatives. However, taking into consideration the period of incarceration suffered by the petitioner, this Court is inclined to modify the condition and direct the learned Sessions Judge of Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu to accept the petitioner's wife and father-in-law as sureties of the petitioner.

6. With the above observations, this Criminal Miscellaneous Petition is allowed.

18.11.2022

Anu



CrI.MP.No.15899 of 2022

WEB COPY

To

1. The Sessions Judge of Special Court for Exclusive Trial of Cases
under POCSO Act, Chengalpattu
2. The Inspector of Police,
AWPS Guindy Police Station,
Guindy, Chennai-600 032.
3. The Public Prosecutor,
High Court, Chennai.



WEB COPY



Crl.MP.No.15899 of 2022

A.D.JAGADISH CHANDIRA, J.

Anu

**Crl.M.P.No.15899 of 2022
in Crl.O.P.No.22221 of 2022**

18.11.2022