



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twentieth day of January Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.581 of 2022

IN

CRL OP(MD) No.19632 of 2021

WEB COPY

MUTHURAMALINGAM

... PETITIONERS/SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

IIANCHEMBUR POLICE STATION,

RAMANATHAPURAM.

(FIR IN CRIME NO.123/2021)

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed against the petitioner in Crl.OP(MD)No.19632 of 2021 on the file of the Honble Court relates to the "b.the sureties shall file separate affidavits before the concerned Judicial Magistrate Court as well as before the respondent police that they will ensure that the petitioner will not involve in any further offence. Of the two sureties, one surety shall be Mr.S.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Ltd., who filed affidavit before this Court".

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ALAGUMANI R, Advocate for the petitioner and of MR.P.KOTTAI CHAMY, GOVERNMENT ADVOCATE (CRL.SIDE) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed by the petitioner to modify the condition imposed by this Court in CRL. O.P (MD). No. 19632 of 2021, dated 21.12.2021.

2.Considering the antecedent of the petitioner, this Court directed the petitioner to produce some responsible person as surety to ensure that he will not indulge in any offence in future. Accordingly, the petitioner has also produced an affidavit of Mr.S.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Limited that he would stand as surety to the petitioner and also ensure that the petitioner will not indulge in any other further offence in future.

3.Considering the affidavit filed by Mr.S.Ramesh and the petitioner, this Court has passed an order as follows:



"6. At this juncture, the learned counsel for the petitioner further submits that one S.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Limited has come forward to stand as surety for the petitioner and he is ready to execute a bond for a sum of Rs.1,00,000/- before the concerned Judicial Magistrate and he also ensures that the petitioner will not indulge in any other offence in future. The learned counsel for the petitioner has also filed an affidavit by the said S.Ramesh, who ensures that the petitioner will not indulge in any other offence in future."

4.The learned counsel appearing for the petitioner submits that due to present pandemic situation, Mr.S.Ramesh is hesitated to stand as witness as agreed before this Court. Hence, he produced an affidavit of one Kanthavel S/o.Thiruyanam, who is an Ex-village President of Vannangundu, Ramanathapuram. The said Kanthavel is willing to stand as surety to the petitioner and he also undertakes that the petitioner will not indulge in any further offence.

5.He further submits that the petitioner is in jail from 24.08.2021. Though this Court granted bail to the petitioner on 21.12.2021 in CRL. O.P (MD).No. 19632 of 2021, for want of sureties, the petitioner has not come out of bail thereafter. Therefore, the present petition has been filed seeking modification of condition. He further submits that the petitioner may be permitted to furnish surety of one Mr.Kanthavel S/o. Thiruyanam instead of Mr.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Limited.

6.Considering the period of incarceration of the petitioner, the condition 8 (b) of the order dated 21.12.2021, in CRL. O.P (MD). No. 19632 of 2021 is modified that Mr.Kanthavel S/o. Thiruyanam shall stand as surety, execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) and file an affidavit of undertaking that the petitioner will appear before the trial Court regularly in future without fail. In case, if the petitioner fails to appear in any one of the hearings and involve in any offence, the trial Court shall proceed as against the surety and can impound the surety amount.

7.Accordingly, this Criminal Miscellaneous Petition is ordered.

sd/-

20/01/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1.The Judicial Magistrate,
Mudukulathur, Ramanathapuram District.
- 2.Do Through The Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Iianchembur Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL MP (MD) No.581 of 2022
IN
CRL OP (MD) No.19632 of 2021
Date :20/01/2022

RS/JM/SAR.1 (01.02.2022) 3P-5C