



Crl.O.P.No.21606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21606 of 2023

Muneesh @ Muneeshwaran

.. Petitioner

Versus

The State, rep. by
The Inspector of Police, (L & O),
Town Police Station, Nagapattinam.
(Cr.No.371 of 2022)

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the common docket order returned dated 10.08.2023 in Crl.M.P.No.1128 of 2023 on the file of the learned Judicial Magistrate No.I, Nagapattinam and consequently issue directed to call for and transfer the records in S.C.No.51 of 2023 on the file of the Principal District & Sessions Court, Nagapattinam to the learned Judicial Magistrate No.I, Nagapattinam for the purpose of availing records in the event of furnishing surety.

For Petitioner : Mr.M.Dhivakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This petition has been filed challenging the docket order passed by the Court below refusing to receive the surety furnished by the petitioner on the ground that the case has already been committed to the Sessions Court.



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2. The petitioner (A1) was arrested and remanded to judicial custody on 09.12.2022 in the course of investigation in Crime No.371 of 2022. The statutory period of 90 days lapsed and hence, the petitioner filed an application under Section 167(2) of Cr.P.C., in Crl.M.P.No.1128 of 2023. The learned Judicial Magistrate No.I, Nagapattinam enlarged the petitioner on bail by imposing some conditions. One such condition was that one of the surety must be a blood surety.

3. The petitioner was not able to get a blood surety for nearly four months. Ultimately, the mother of the petitioner stood as a surety and the surety was also furnished to the learned Judicial Magistrate.

4. The learned Judicial Magistrate refused to entertain the surety on the ground that the case has already been committed to the Court of Sessions. The docket order passed by the learned Magistrate has been put to challenge in this petition.



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5. Heard Mr.M.Dhivakar, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondent.

6. Taking into consideration the facts and circumstances of the case, there shall be a direction to the learned Judicial Magistrate No.I, Nagapattinam to accept the surety furnished by the petitioner. The petitioner was enlarged on bail by order, dated 09.03.2023 and till date, he is not able to come out. Therefore, considering the continued incarceration of the petitioner inspite of being released on statutory bail, impelled this Court to issue the above direction to the learned Judicial Magistrate.

7. The petitioner shall be regularly present before the Trial Court during all dates of hearings and the condition imposed by the Court below directing the petitioner to sign before the Town Police Station, Nagapattinam is accordingly modified.

8. This Criminal Original Petition is disposed off accordingly.

21.09.2023

Index : yes/no



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Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

Note : Issue order copy today.

To

1. The Principal District and Sessions Judge,
Nagapattinam.
2. The Judicial Magistrate No.I,
Nagapattinam.
3. The Inspector of Police, (L & O),
Town Police Station, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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