



Crl.O.P.(MD)No.1569 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.1569 of 2021
and
Crl.M.P.(MD)No.754 of 2021

I.Ilangovan

... Petitioner/Surety

Vs.

State rep. by The Inspector of Police,
Tirunagar Police Station,
Madurai City.

... Respondent/ Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the summon in Cr.M.P.No. 2535 of 2020 on the file of the Judicial Magistrate No.VI, Madurai against the petitioner.

For Petitioners : Mr.R.Selvaraj

For Respondent : Mr.M.Sakthikumar
Government Advocate (Crl.Side)for R1



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ORDER

This petition is filed to quash the summon in Cr.M.P.No.2535 of 2020 on the file of the Judicial Magistrate No.VI, Madurai

2. The case against the petitioner is that in Crime No.158 of 1998, the petitioner signed as a Surety for furnishing bail to one of the accused, namely, Ramesh @ Peela Ramesh and he executed a bond for a sum of Rs.10,000/- and the said Ramesh @ Peela Ramesh was missing from the year 2010 onwards and the mother of the accused by name, Selvamani, lodged a complaint about her missing son on 10.02.2010 before the Tirunagar Police and the same is still pending. Since the accused is absent, surety action was taken up against this petitioner, under Section 446 of Cr.P.C. in Crl.M.P.No.2535 of 2020 and the case was adjourned to 27.11.2020 for the appearance of the petitioner.

3. On the side of the petitioner, it is stated that totally 4 cases were pending against the said accused. Some of the cases were closed by the Court on the certificate of the Village Administrative Officer. Even after a complaint for man missing, the accused could not be traced out, for the past 13 years.



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4. On the side of the prosecution, it is stated that In the report of the police, the mother of the accused, by name, Selvamani filed a petition in H.C.P.(MD)No.1137 of 2020, before this Court and the same is pending.

5. There is no possibility of the petitioner to produce the accused. For the above reasons, the petitioner filed a petition under Section 444 Cr.P.C requesting the Court to reduce the bond amount, but, the same was refused by the Court. Co-accused were all acquitted by the Court. Village Administrative Officer has certified that the person was not available. As per the report of the police, the accused was murdered by some rowdy elements in Viralimalai.

6. It is stated that the petitioner is a poor person and could not produce a sum of Rs.10,000/-. Co- accused were acquitted in the case. There is no possibility of the petitioner to produce the accused. Hence, Cr.M.P.No.2535 of 2020 on the file of the Judicial Magistrate No.VI, Madurai, is hereby quashed.

7. This petition is allowed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

15.03.2023



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R.THARANI. J.

Ls

To

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Tirunagar Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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