



WEB COPY



Crl.O.P.(MD)No.2747 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : **23.03.2023**

Delivered on : **29.03.2023**

CORAM:

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

Crl.O.P.(MD) No.2747 of 2021
and
Crl.M.P.(MD)No.1453 of 2021

1.Geetha

2.Thenmoli

... Petitioners/Surety No.1 & 2

Vs.

State rep. by The Inspector of Police,

Tirunagar Police Station,

Madurai City.

(Crime No.391 of 2006)

... 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. 2536 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)



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ORDER

This petition is filed to quash the summon in Cr.M.P.No.2536 of 2020 on the file of the Judicial Magistrate No.VI, Madurai.

2. The case against the petitioners are that in Crime No.391 of 2006, the petitioners signed as Sureties 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 on wards 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 CrI.M.P.No.2536 of 2020 and the case was adjourned to 27.11.2020 for the appearance of the petitioners.

3. On the side of the petitioners, 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. In the report of the police, the mother of the



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accused, by name, Selvamani has filed a petition in H.C.P.(MD)No.1137 of 2020, before this Court and the same is pending. There is no possibility of the petitioners to produce the accused. For the above reasons, the petitioners 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.

4. It is stated that the petitioners are poor persons and could not produce a sum of Rs.10,000/-. Co- accused were acquitted in the case. There is no possibility of the petitioners to produce the accused. Hence, Cr.M.P.No.2536 of 2020 on the file of the Judicial Magistrate No.VI, Madurai, is hereby quashed.

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

NCC : Yes/No
Index : Yes/No
Ls

29.03.2023



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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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