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Crl.R.C.No.2311 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.2311 of 2024

D.KARTHI

Petitioner

Vs

THE STATE REP BY
THE SUB-INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THIRUVARUR DISTRICT,
CRIME NO.04 OF 2024

Respondent

Prayer: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS to call for records pertaining to the docket order dated 14.11.2024 passed by the learned Judicial Magistrate Court No.1, Mannargudi in Crl.M.P.No.7071 of 2024 in crime no.04 of 2024 and set aside the same.

For Petitioner(s) : Mr.B.Sargunam
For Respondent(s): Mr.S.Udaya Kumar,
Govt. Advocate (crl.side)

ORDER

The revision challenges the docket order passed by the learned Magistrate rejecting the sureties offered by the petitioner.



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2. The petitioner is an accused in Crime No.4 of 2024 for the alleged offence under Section 417, 420, 406, 465 and 506(ii) IPC. He filed a bail application before the learned Magistrate and the learned Magistrate, Mannargudi in Crl.MP No.7071 of 2024 had allowed the petition, *inter alia* on condition that the petitioner shall execute a bond for Rs.10,000/- with two sureties. The petitioner had offered his mother and neighbour as sureties. However those two sureties were rejected by the learned Magistrate on the ground that they have not filed the recent property tax receipts alongwith surety memo.

3. The learned counsel for the petitioner would submit that the rejection of sureties, one of whom is the mother of the petitioner amounts to denial of bail, though the petitioner was granted bail as early as on 21.10.2024 and prayed for a direction to the learned Magistrate to accept the sureties offered by the petitioner.

4. The learned Government Advocate (crl.side), on instructions would submit that one of the sureties is the mother of the petitioner.



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5. Heard the learned counsel for the petitioner as well as learned Government Advocate (crl.side) appearing for the respondent and perused the records.

6. On perusal of the records, it is seen that the petitioner has been granted bail on 21.10.2024 however, the sureties furnished by the petitioner were rejected by the learned Magistrate vide impugned order dated 14.11.2024 stating that “property certificate to be furnished alongwith surety memo by both the sureties. Hence returned”.

7. This court is of the view that imposing onerous condition for acceptance of sureties would amount of denial of bail. The mother of the petitioner is one of the sureties. There is no reason as to why the said surety cannot be accepted by the learned Magistrate. This court, in several cases had held that such onerous conditions either for grant of bail or for acceptance of sureties cannot be imposed. Therefore, the impugned order is liable to be set aside.



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8. Accordingly, this **Criminal Revision is Allowed** and the docket order dated 14.11.2024 passed by the learned Judicial Magistrate No.1, Mannargudi in Crl.M.P.No.7071 of 2024 in Crime No.4 of 2024 is set aside and the petitioner is directed to be released on bail, by accepting the sureties offered by the petitioner, forthwith.

17.12.2024

Index : Yes/No

Neutral Citation : Yes/No

Speaking order/Non-speaking order

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Note: Issue order copy by 24.12.2024

To

1.The Judicial Magistrate No.1
Mannargudi.

2.The Sub Inspector Of Police,
District Crime Branch,
Thiruvarur District,

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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