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CRL MP. 17774 of 2024 in
CRL A NO.1239 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO.17774 of 2024 IN CRL.A.NO.1239 OF 2024

MURUGESAN
S/O.KALIYAN, 10 WARD, GANDHI NAGAR,
PETHANAICKANPALAYA, SALEM DISTRICT.

APPELLANT(S)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE, YETHAPUR POLICE
STATION, SALEM DISTRICT CR.NO.229 OF 2018.

RESPONDENT(S)

For Appellant(s): MR.S.MANOJ VASANTH
For Respondent(s):DR.C.E.PRATAP, GOVT.ADVOCATE(CRL.SIDE)

ORDER

This Criminal Miscellaneous Petition has been filed to direct the learned Sessions Judge Principal POCSO Court, Salem, for the acceptance of surety without insisting on the production of a tax receipt to establish the solvency of the surety, as per the order dated 25.10.2024 passed in CrI.M.P.No.14846 of 2019 in CrI.A.No.1239 of 2024.



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2. This court, vide order dated 25.10.2024 in Crl.MP No.14846 of 2019 in Crl.A.No.1239 of 2024 has suspended the sentence imposed on the petitioner, on the following conditions -

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial court and

(ii) the petitioner shall appear before the trial court once in three months commencing from November 2024 on the first working day at 10.30 a.m. till the disposal of the criminal appeal.

3. It is reported by the learned counsel for the petitioner that inspite of the order of this court, the petitioner is yet to be released on bail since the sureties offered by the petitioner were not accepted by the learned Session Judge and the sureties applications were returned on the following endorsement -

***To be produced alongwith tax receipt
of the sureties. Hence returned””***

and that the sureties offered by the petitioner are brother and sister of the petitioner and it is not clear as to what the learned Sessions Judge meant by stating that the tax receipts must be produced.



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4. This court had perused the sureties application filed by the petitioner which was returned by the learned Sessions Judge. The sureties are related to the petitioner and the first surety is the sister of the petitioner and the second surety is the brother of the petitioner. This Court, has time and again reminded the learned Magistrate that such onerous conditions cannot be imposed while accepting sureties. Since, admittedly the sureties are closely related to the petitioner, there is no reason why the said sureties have been rejected and the petitioner is now in incarceration inspite of the order of suspension passed by this Court. That apart, there is no necessity for insisting on the tax receipts of the sureties.

5. In the light of the above, the learned Sessions Judge is directed to accept the sureties offered by the petitioner and release the petitioner forthwith. Accordingly, this Criminal Miscellaneous Petition is allowed.

13.12.2024

rg

Issue order copy by 17.12.2024
Upload the order copy forthwith.



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To

1. The Sessions Judge Principal POCSO Court,
Salem.

2. THE INSPECTOR OF POLICE,
YETHAPUR POLICE STATION,
SALEM DISTRICT

3. THE SUPERINTENDENT
CENTRAL PRISON,
COIMBATORE.

4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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SUNDER MOHAN, J.

rgr

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