



Crl O.P.(MD)No.19261 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Crl O.P.(MD)No.19261 of 2024

Anup Mathew George

... Petitioner/
Sole Accused

Vs.

The State represented by
The Special Investigation Officer,
Assistant Commissioner of Police,
Fort Range Crime, Trichy.
(Crime No.89 of 2016
of Sivakasi Town Police Station)

... Respondent /
Complainant

Prayer : Criminal Original Petition filed under Section 439(1)(B) of Cr.P.C., to modify the condition imposed in Crl.M.P.No.388 of 2017 dated 10.02.2017 by the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur by setting aside the condition that “surety certificate should be obtained only from the Tahsildar concerned and the certificate shall bear the proper seal of the office”.

For Petitioner : Mr.A.Jayaramachandran

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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Heard both sides.

2.The petitioner was granted bail by the Principal District and Sessions Judge, Srivilliputtur vide order dated 10.02.2017 in Cr.M.P.No.388 of 2017 in Crime No.89 of 2016 registered on the file of the respondent. The order reads that the sureties to be furnished by the petitioner should be responsible persons and that surety certificate should be obtained only from the Tahsildar concerned and that certificate should bear proper seal of the office.

3.The learned counsel appearing for the petitioner states that for the last 7 years and 8 months inspite of best efforts taken, the sureties could not obtain such certificate from the jurisdictional Tahsildar of Kerala. The hesitation on the part of the jurisdictional Tahsildar can very well be understood. The petitioner is facing prosecution under Unlawful Activities (Prevention) Act, 1967. Sureties offered by the petitioner are none other than his siblings. The petitioner's elder sister is working as a teacher in a Government School.

4.The learned counsel for the petitioner further states that the other surety is the brother of the petitioner who is working in Survey Department of the



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Government of Kerala. It is also seen that the petitioner is involved in three other cases. In all those 3 cases, he has been granted bail and the sureties now furnished were produced in those cases also.

5. Section 436 of Cr.P.C calls upon the Court to even dispense with the need to furnish sureties if the person concerned is unable to give bail within a week from the date of arrest. It would be a sufficient ground for the officer or Court to presume that he is an indigent person for the purpose of Section 436 of Cr.P.C. In this case, for the last 7 years, the petitioner is unable to fulfil the condition of the bail order. It is good enough ground to effect modification as sought for by the petitioner herein. The modification sought for is granted.

6. This Criminal Original Petition is allowed accordingly.

(G.R.S., J.) (R.P., J.)
18.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

Note: Issue order copy on 20.11.2024.



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G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

MGA

To

- 1.The Special Investigation Officer,
Assistant Commissioner of Police,
Fort Range Crime,
Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Principal District and Sessions Court,
Virudhunagar District at Srivilliputtur.

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