



Crl.O.P.No.3268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE M. NIRMAL KUMAR**

Crl.O.P.No.3268 of 2025

and

Crl.M.P.Nos.2198 & 2204 of 2025

Deepika J Patel

... Petitioner/A8

Vs.

The State by
The Inspector of Police,
CBI, BSFB,
Bengaluru.

... Respondent

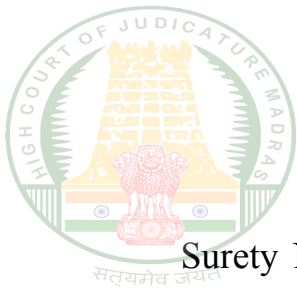
Prayer: Criminal Original Petition filed under Section 531(2) (a) of BNSS praying to set aside the order passed in the Memo of Surety pertaining to Surety No.2 of petitioner/A8 in C.C.No.8076 of 2021 (pending on the file of learned Additional Chief Metropolitan Magistrate, Egmore, Chennai).

For Petitioner : Mr.Leo Valan.L

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

The petitioner/A8 in C.C.No.8076 of 2021 has filed this petition seeking to set aside the order passed in the Memo of Surety pertaining to



Surety No.2, pending on the file of learned Additional Chief Metropolitan Magistrate, Egmore, Chennai.

2.The contention of the learned counsel for petitioner is that the petitioner is not a named accused in this case, later she had been added as an accused. During investigation, she was not called for, hence, she was not aware about the case. After filing a charge sheet, she received a summon on 21.10.2024 to appear before the trial Court on 26.11.2024. Then only she came to know that the petitioner's name has been included as an accused by supplementary/additional charge sheet. Thereafter the petitioner moved a petition for execution of bail bond. The trial Court directed the petitioner to execute a bail bond for a sum of Rs.1,00,000/- along with two sureties, who are blood relatives.

3.The petitioner is hailing from Trichy and has no relatives or known persons in Chennai. With great difficulty she could find sureties and produced the sureties for execution of bond. The trial Court on scrutiny, accepted Surety No.1 and rejected Surety No.2 for the reason that it is not a blood surety. Hence, the present petition.



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4.Considering the submissions made and on perusal of the materials available, it is seen that the petitioner is not an accused either in the F.I.R. or in the charge sheet initially filed. Later she had been added as accused in the supplementary charge sheet. The petitioner on receipt of summons, appeared before the trial Court and submitted for executing sureties. The trial Court imposing a condition of executing Rs.1,00,000/- surety and that too blood relatives is a onerous one. This Court, earlier in the case of *Sagayam @ Devasagayam vs. State* reported in (2017) 3 CTC 291 recorded the difficulties faced in executing sureties and the Criminal Courts seeking blood sureties is not proper and such condition is onerous one and thus prayed for setting aside the impugned order.

5.The learned Special Public Prosecutor submitted that the only requirement of the respondent is that the petitioner to be available during trial. The discretion of imposing surety and condition is vested with the trial Court. The petitioner to appear before the trial Court on the hearing dates and the trial should not be stalled on the absence or abscondence of the petitioner.



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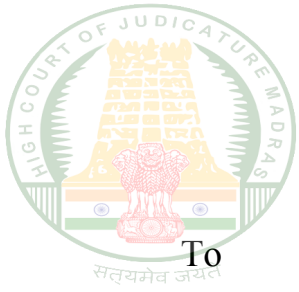
6.The learned counsel for the petitioner undertakes that he would ensure the presence of the petitioner before the trial Court either personally or through counsel and the petitioner will not be a reason for any delay.

7.In view of the same, the impugned order of Memo of Surety dated 26.11.2024 pertaining to Surety No.2 of petitioner in C.C.No.8076 of 2021, on the file of learned Additional Chief Metropolitan Magistrate, Egmore, Chennai, is set aside and the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with one surety for a like sum to the satisfaction of the trial Court. The Trial Court not to insist blood relative of the petitioner/A8 to stand as sureties.

8.With the above observations and directions, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

10.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rsi



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To

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- 1.The Inspector of Police,
CBI, BSFB,
Bengaluru.
- 2.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

rsi

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