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CrI.O.P.No.23030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.23030 of 2025

Malleswari

... Petitioner

Versus

The State rep. By
The Inspector of Police,
Kundrathur Police Station

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 r/w Section 439 of CrI.P.C / Section 528 r/w 483 BNSS,2023 to set aside the order dated 03.07.2025 made in CrI.M.P.No.1378 of 2025 on the file of the Judicial Magistrate Court, Sriperumbudur and consequently direct the Judicial Magistrate Court, Sriperumpudur to accept the sureties memo for the statutory bail granted in CrI.M.P.No.1339 of 2025 dated 26.06.2025

For Petitioner : Mr.D.Balaji

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI.Side)

ORDER



Crl.O.P.No.23030 of 2025

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2. Heard the learned counsel on either side and perused the documents placed on record.

3. Earlier, when an application was filed for grant of bail, this Court directed the petitioner to deposit Rs.10,00,000/- and that order has become final. Thereafter, its final report has not been filed and hence she moved statutory bail application which was also granted with a condition to execute the bond for Rs.10,000/- along with two sureties like sum each. When the sureties were presented, the present impugned order has been passed on the ground that the petitioner has suppressed the earlier order.



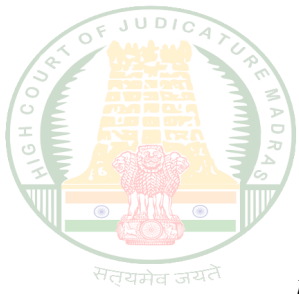
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4. It is relevant to note that while considering the bail application, the circumstances available at the regular time is totally different and while considering statutory bail, the right accrued as per law prevail over the petitioner has indefeasible right to seek for a statutory bail. The prosecution has failed to file final report within a stipulated time as per law.

5. In such view of the matter, this Court is of the view that the trial court rejecting the sureties is not proper. In this regard, it is relevant to extract paragraph No.9 of the order passed by this Court in CrI.R.C.(MD) No.1057 of 2023 dated 03.06.2025, wherein it is stated as follows:-

“9. The said issue is no more res integra as the Hon'ble Supreme Court in the case of Saravanan Vs. State represented by the Inspector of Police reported in 2021 SC (Cri) 40, wherein also, in similar fact situation, regular bail was granted with condition to deposit some amount and the appellant's application for modification before the High Court was dismissed with liberty to approach the Magistrate Court, which granted bail. The appellant filed an application



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to release him on default bail / statutory bail under Section 167(2) Cr.P.C., but the said petition came to be dismissed by the Sessions Court and when the same was challenged, the High Court while granting statutory bail has directed the appellant to deposit a sum of Rs.8,00,000/- before the learned Magistrate and that when that order was challenged, the Hon'ble Apex Court by observing that the circumstances while considering regular bail application under Section 437 of Cr.P.C., are different while considering the application for default bail and that the condition imposed by the High Court to deposit some amount cannot legally be sustained, set aside the impugned condition and allowed the appeal.”

hence the order passed by the Judicial Magistrate Court, Sriperumbudur in CrI.M.P.No.1378 of 2025 dated 03.07.2025 is set aside and the present Petition is allowed.

21.08.2025

Index: Yes/No

Internet: Yes/No

Speaking Order / Non Speaking order

ssd

N.SATHISH KUMAR, J.

ssd



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To

1. The Judicial Magistrate, Sriperumbudur
2. The State rep. By
The Inspector of Police,
Kundrathur Police Station
2. The Public Prosecutor,
High Court, Madras.

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