



Crl.O.P.(MD)Nos.11178 & 11180 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.11178 & 11180 of 2025

A.Murugeshwari

... Petitioner in both Crl.OPs.

Vs.

1.The Sub-Inspector of Police,
Bodinayackanur Taluk Police Station,
Theni District.

... Respondent in Crl.OP.(MD)No.11178 of 2025

2.The Sub-Inspector of Police,
Kombai Police Station,
Theni District.
(Cr.No.43 of 2025)

... Respondent in Crl.OP.(MD)No.11180 of 2025

Common Prayer: Criminal Original Petitions filed under Section 528 of BNSS, to issue a direction to the Judicial Magistrate Bodinayackanur directing to receive the applications filed for the sureties at anytime of during working hours of the Court and further accept the sureties with any other documents of identification filed for the accused instead of attaching bank pass book in Crl.M.P.Nos.1190 & 1217 of 2025 dated 18.06.2025 passed by Learned Principal District Judge, Theni.



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For Petitioner
(in both Crl.OPs.)

: Mr.K.Anandan

For Respondents
(in both Crl.OPs.)

: Mr.A.S.Abul Kalaam Azad
Government Advocate(Crl.side)

COMMON ORDER

The petitioner is the sister-in-law of the accused in Cr.Nos.164 & 43 of 2025 on the file of the respondents Police and he was remanded to judicial custody on 22.05.2025 and 29.05.2025 respectively. The accused has filed bail petition in Crl.M.P.Nos.1190 and 1217 of 2025 before the learned Principal District Judge, Theni. The learned Principal District Judge has granted bail to the accused, on 18.06.2025 with the following conditions:-

(i) Bond and Sureties :-

In the result, this petition is allowed and the petitioner is ordered to be released on bail on his executing bond for Rs. 10,000/- with two sureties each of like sum to the satisfaction of the Judicial Magistrate, Bodinayakanur.

(ii) Daily Appearance Requirement :-

The petitioner shall appear and report before the



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Respondent Police Station daily at 10.00 a.m., and 5.00 p.m., for 30 days and thereafter, shall appear on summons.

(iii) Identification Documentation :-

(a) The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate while considering the sureties, shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

(b) The petitioner's photograph and Aadhaar Card with bank pass book copy shall also be obtained while considering the sureties.

(iv) Cooperation with Investigation :-

The petitioner shall make himself available for interrogation by the respondent police Officer as and when required for enquiry.

(v) Non-Interference:

The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the court or to any Police Officer.

(vi) Travel Restrictions :-

That the petitioner shall not leave the State of Tamil Nadu without prior permission of the learned Judicial Magistrate. The petitioner shall not commit further offences of similar nature and shall appear before the respondent police station as and when required.

(vii) Compliance and Cooperation :-



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The petitioner shall co-operate for early disposal of the matter.

(viii) Consequences of Breach :-

On breach of the aforesaid conditions, the learned Judicial Magistrate. before whom the case is pending is at liberty to initiate / take appropriate action against the petitioner in accordance with law as laid down in the judgment of Hon'ble Supreme Court in P.K.Shaji Vs. State reported in AIR 2005 SCW 5506.

(ix) Absconding Consequences:-

In the event, if the petitioner absconds, a fresh F.I.R shall be registered u/s.269 of BNS.

2.The petitioner, along with this bail order, has appeared before the learned Judicial Magistrate, Bodinayakanur on 19.06.2025 at about 11.30 am., and therefore, the learned Magistrate has not received the application, in the middle of the working hours and suggested the petitioner to produce the surety at about 10.30 am. Aggrieved by the same, the petitioner has filed the present petition seeking a direction to the learned Magistrate to accept the sureties at any time during working hours of the Court and accept the sureties with any other document, instead of Bank Passbook.



WEB COPY 3.It appears that the petitioner has submitted sureties along with bail order before the learned Magistrate, in the middle of the Court working hours. There are certain formalities in receiving sureties. The petitioner have to ascertain the same and produce it at the relevant point of time. Instead, the petitioner, for her convenience, has produced the sureties and insisted the learned Magistrate to accept the sureties.

4.The other grievance of the petitioner is that the learned Magistrate has insisted to attach the Bank Pass book. The learned counsel appearing for the petitioner submits that the accused is not having any bank account. The Government of India has ensured that all the citizens of India are having a savings account and are provided with Bank Passbook. However, the petitioner claims that the accused is not having a Bank Passbook. Moreover, the Sessions Court, has issued directions to the learned Magistrate to verify photographs along with Aadhar Card and Bank Passbook, while accepting the sureties. The learned Magistrate is expected to accept the sureties, based on the directions of the Sessions Court. This petition has been filed, without



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even filing a petition to modify the conditions imposed by the Sessions Court and also by making allegations as against the learned Magistrate. This conduct of the petitioner has to be deprecated.

5.It is also reported that the accused is also involved in two other theft cases and therefore, the Sessions Court has rightly imposed the conditions. The Court, which is granting bail, is having certain responsibility to ensure the availability of the accused for trial. In the event, if the accused is not having Bank Passbook, he ought to have mentioned the same before the Sessions Court, at the time of granting bail or after receipt of the order, he should have filed necessary application to modify the condition. Instead, making allegations against the learned Magistrate cannot be appreciated. Therefore, this Court is inclined to dismiss these petitions by imposing costs. However, considering the fact that the accused is in prison, this Court is not imposing any costs. Accordingly, these criminal original petitions are dismissed.

03.07.2025

NCC : Yes/No

Index: Yes/No

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Internet:Yes
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To

- 1.The Principal District Judge,
Theni.
- 2.The Judicial Magistrate,
Bodinayackanur.
- 3.The Sub-Inspector of Police,
Bodinayackanur Taluk Police Station,
Theni District.
- 4.The Sub-Inspector of Police,
Kombai Police Station,
Theni District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHIJ

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