



CRL OP(MD). No.20745 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 26/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20745 of 2025

1. Gokulkumar @ Gokul

2. Ganesh Pandi

3. Rajesh

... Petitioners

Vs

The State of Tamilnadu
Rep by Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.473/2025)

... Respondent

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to direct the learned Judicial Magistrate No.I, Sivakasi, to accept the surety memo by setting aside the return docket order dated 12.11.2025 in the surety memo produced in Crl.M.P.No.357/2025.

For Petitioners : Mr.J.Yogeswaran

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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ORDER

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The petitioners seek to set aside the docket order dated 12.11.2025 in Crl.M.P.No.357/2025, refusing to accept the surety offered by the petitioners, who was granted statutory bail on the grounds that the securities were offered after the filing of the charge sheet.

2.The learned counsel for the petitioners would submit that the petitioners are accused of the offences under Sections 103(1), 126(2), 232, 296(b), 351(3) and 49 of BNS; that they were arrested and remanded on 12.08.2025; that subsequently, they had applied for statutory bail, since the respondent had not filed the final report; that the learned Magistrate had granted statutory bail on the condition that the petitioners execute a bond for a sum of Rs.10,000/- with two sureties; that even before the sureties could be produced, the respondent had filed the final report on 11.11.2025 and that since the sureties were not furnished before the filing of the final report, the learned Magistrate rejected the sureties.

3.The learned Additional Public Prosecutor appearing for the



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respondent would fairly submit that the Hon'ble Supreme Court in *M.Ravindran Vs the Intelligence Officer, Directorate of Revenue Intelligence* reported in (2021) 2 SCC 485 held that the right of the accused to be released on bail cannot be defeated merely because the prosecution files the final report prior to the furnishing of bail or the sureties.

4. Admittedly, the learned Magistrate had granted bail to the petitioners with certain conditions on 10.11.2025. It is a case of the petitioners that the order was not uploaded and hence, the petitioners could not produce the sureties immediately. The sureties were produced only on 12.11.2025. In the meanwhile, the respondent filed the final report on 11.11.2025 and therefore, the learned Magistrate had rejected the sureties offered by the petitioners. This Court is of the view that the respondent failed to file the final report within the statutory period of 90 days and the learned Magistrate was justified in granting bail. The benefit of bail cannot be denied merely because the respondent filed the final report before the sureties were offered by the petitioners. Therefore, this Court is inclined to set aside the impugned docket order.



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5. Accordingly, this Criminal Original Petition is allowed and the impugned docket order dated 12.11.2025 is set aside and the learned Judicial Magistrate No.I, Sivakasi, is directed to accept the sureties offered by the petitioners.

26.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 27.11.2025

TO

1. The Judicial Magistrate No.I,
Sivakasi.
2. The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

cp

ORDER
IN
CRL OP(MD) No.20745 of 2025

Date : 26/11/2025