



Crl.O.P.(MD)No.22434 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

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J.Jegan

... Petitioner

Vs.

1.State of Tamilnadu rep. by, its,
The Inspector of Police,
CCI-III Police Station,
Madurai City.
(CSR No.1955 of 2024)

2.The Branch Manager,
State Bank of India,
ADB Akbarpur Branch,
Tanda Road, akbarpur,
Ambedkar Nagar District,
Uttar pradesh-224 122.

3.The Branch Manager,
State Bank of India,
Vishwas Ngar-Delhi Branch,
7/67, Main Road, Vishwas Nagar,
Delhi-110 032.

4.Paydash

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the learned Judicial Magistrate No.I, Madurai, to accept the surety which were



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already furnished without insisting for the solvency certificate from the surety in Cr.M.P.No.3804 of 2025.

For Petitioner : Mr.V.Muthumani

For Respondent : Mr.M.Sakthi Kumar, (for R1)

Government Advocate (Crl.Side)

ORDER

Seeking to direct the learned Judicial Magistrate No.I, Madurai, to accept the surety which were already furnished without insisting for the solvency certificate from the surety in Cr.M.P.No.3804 of 2025, this petition is filed.

2.The learned counsel appearing for the petitioner submitted that this Court has already dealt with a similar issue in Crl.O.P. No. 23222 of 2024, dated 23.09.2024, wherein this Court categorically held that, except in bail and anticipatory bail applications, none of the other applications, more particularly return of property or solvency certificates should not be insisted by the trial Court and the relevant portion is extracted hereunder:

3. This Court had an occasion to consider similar plea in case of return of vehicle for offence under Sections 451 and 457 of Cr.P.C and has clarified that as far as the condition to execute bond in respect of return of vehicle, the bond need not be supported by solvency certificate, since return of property pending enquiry is contemplated under Rule



257 of Criminal Rules of Practice along with Form 50, whereas, the rule which mandates bond above Rs. 15,00,000/- must be supported by solvency certificate is only confine to bail and anticipatory bail under Rule 14 of Criminal Rules of Practice. Therefore, the learned Judicial Magistrate while testing the surety in compliance of the order passed under Sections 451 and 457 of Cr.P.C need not insists for solvency certificate, whereas the other condition No.4 which directs the petitioner to deposit the original RC Book, this Court finds no illegality to interfere in the order of the court below.

3.In view of the above, the learned Judicial Magistrate No.I, Madurai, is directed to accept the surety without insisting the solvency certificate from the surety in Cr.M.P.No.3804 of 2025.

4.Accordingly, this Criminal Original Petition stands disposed of.

08.12.2025

NCC : Yes / No
Index : Yes / No
vsg



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TO:-

- 1.The Judicial Magistrate No.I, Madurai.
- 2.The Inspector of Police,
CCI-III Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

vsg

Order made in
Crl.O.P.(MD)No.22434 of 2025

Dated
08.12.2025