



CrI.OP.No.2473 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Suresh @ Kutty
2. Vignesh @ Bingo
3. Arun Kumar @ Box
4. Saran @ Kalasaran
5. Vignesh @ Tharamani Viki
6. Gokul
7. Arul
8. Dhanush

...Petitioners

Vs.

State rep. by,
The Inspector of Police,
J-2, Adyar Police Station,
Chennai District.
Crime No.83 of 2025.

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, seeking to modify the condition imposed by the IX Metropolitan Magistrate Court, Saidapet, at Para no.3 (b) on the petitioners in CrI.M.P.No.320 of 2026 dated on 20.01.2026, on such terms and conditions.



For Petitioners : Mr.S.Arulselvam

For Respondent : Mr.S.Santhosh, GA(Crl. Side)

ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the IX Metropolitan Magistrate Court, Saidapet, at Para no.3 (b) of the order dated 20.01.2026 in Crl.M.P.No.320 of 2026.

2. The brief facts are as follows:-

The petitioners are arrayed as accused in the FIR in Crime No.83 of 2025 registered on the file of the respondent-police for the offence under Section 103(1) of BNS, which was later altered to Section 103(2) of BNS, pursuant to the complaint given by one Sumathi and the petitioners were subsequently arrested and remanded to judicial custody as early as on 15.10.2025. Since the final report was not filed within the prescribed period and as the petitioners were in judicial custody for about 98 days, they moved a statutory bail application before the IX Metropolitan Magistrate Court, Saidapet in Crl.M.P.No.320 of 2026 and the learned Magistrate, vide order dated 20.01.2026, granted statutory bail to the petitioners on certain conditions and one among the said conditions is that *the petitioners shall*



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each execute a bond for Rs.10,000/- with two sureties each for a like sum and the two sureties must be local residents and with revenue solvency.

Challenging the same, the petitioners have come up with this petition.

3. Learned counsel for the petitioners submitted that the petitioners hail from the lower socio-economic stratum of society and they are unable to get the revenue solvency certificate, due to which, the petitioners and the sureties could not execute the bonds. He also relied on the decision of this Court in Crl.M.P.No.3888 of 2017 in Crl.O.P.No.2891 of 2017 dated 24.04.2017 in support of his contention that Solvency Certificate shall not be insisted upon from the accused or from the sureties. He also submitted that the petitioners are ready to comply with the other conditions imposed by the Court below, vide impugned order. Accordingly, he prayed for modification of the condition imposed by the Court below at Para no.3 (b) of the impugned order dated 20.01.2026.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation in this case has been completed and the final report has been filed before the IX Metropolitan Magistrate



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Court, Saidapet by way of e-filing. However, he did not dispute the above submission made by the learned counsel for the petitioners.

5. Heard learned counsel on either side and perused the materials available on record.

6. The petitioners were arrested on 15.10.2025 and remanded to judicial custody on the same day. Despite statutory bail granted to the petitioners on 20.01.2026, the petitioners are unable to come out on bail, since the Court had imposed the condition directing them to produce two sureties who are local residents along with revenue solvency. The petitioners are said to be from the lower economic stratum of the society and they are unable to arrange revenue solvency.

7. The Hon'ble Apex Court, in *Satender Kumar Antil Vs. CBI and Another* reported in (2022) 10 SCC 51, referring to *Hussainara Khatoon (1) Vs. State of Bihar* reported in (1980) 1 SCC 81, has held that, even while releasing the accused on personal bond, the amount of the bond which the court fixes should not be based merely on the nature of the charge and,



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further, inquiry into the solvency of the accused can become a source of great harassment to him and often result in denial of bail and deprivation of liberty and should not, therefore, be insisted upon as a condition of acceptance of the personal bond.

8. In view of the above, the condition directing the petitioners to furnish revenue solvency is harsh and in other way, it would amount to denial of bail and therefore, this Court is inclined to modify the said condition.

9. Accordingly, the bail condition is modified to the effect that each of the petitioners shall execute a bond for a sum of Rs.5,000/- with two sureties each for a like sum and further, the petitioners shall appear before the IX Metropolitan Magistrate Court, Saidapet on the dates fixed by the learned Magistrate.

10. This criminal original petition stands disposed of accordingly.

04.02.2026

skt
NCC : Yes/No
5/7



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Note to office: Issue order copy on 05.02.2026.

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A.D.JAGADISH CHANDIRA, J.

skt

To:

1. The IX Metropolitan Magistrate Court,
Saidapet.
2. The Inspector of Police,
J-2, Adyar Police Station,
Chennai District.
3. The Public Prosecutor,
Madras High Court.

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