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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.4537 of 2026

Guruchandar Nikilesh

...Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
CCD-III Police Station,
Madurai City.
(CSR No.1235 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to direct the learned Judicial Magistrate No.1, Madurai, to accept the surety which were already furnished without insisting for the solvency certificate from the surety in Crl.M.P.No.4435 of 2024, on the file of Judicial Magistrate No.1, Madurai.

For Petitioner : M/s.N.Pragalathan

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



ORDER

The present petition has been filed seeking a direction as against the learned Judicial Magistrate No.I, Madurai to accept the surety which were already furnished and without insisting for the solvency certificate from the surety in CrI.MP.No.4435 of 2024 on the file of the learned Judicial Magistrate No.I, Madurai.

2. The petitioner is a victim of digital arrest and the accused person was arrested and the entire amount to a tune of Rs.1,74,768.30/- has been recovered and it is in the Court deposit.

3. The petitioner has filed CrI.M.P.No.4435 of 2024 for return of the said cash amount. At that point of time, when the petitioner has offered surety, the Court has insisted for solvency certificate also. Hence the present petition.

4. The learned Counsel appearing for the petitioner has relied upon the order of this Court in CrI.O.P.No.23222 of 2024 dated 23.09.2024 wherein this Court has held that the solvency certificate can be insisted only for Bail/Anticipatory bail application as contemplated under Rule 14 of Criminal Rules of Practice and has directed the learned Judicial Magistrate not to insist for the solvency certificate.



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5. In view of the above said facts, the Criminal Original Petition is allowed as prayed for.

02.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

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



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R.VIJAYAKUMAR, J.

RJR

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