



CRL OP(MD). No.5718 and 5719 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25/03/2026

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). Nos.5718 and 5719 of 2026

1. Rakesh,

2. Raju Ray,

3. Kapil Dev Sana,

... Petitioners
in both CrI.O.Ps

Vs

State of Tamilnadu Rep by
Inspector of Police,
Theppakulam Police Station,
Madurai.
Crime Nos.389 and 566 of 2025..

... Respondent
in both CrI.O.Ps

PRAYER :- To Set Aside the order passed in CrI MP Nos.1052 and 1053 of 2026 and dated 11.03.2026, and modify the bail condition imposed in CrI MP Nos.204 and 213/2026 dated 19.01.2026, by dispensing with the requirement of local surety and permit the petitioners to furnish two sureties from family members or friends.



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For Petitioners : Mr.C.Prithviraj,
(in both CrI.O.Ps)
For Respondent : Mr.M.Karunanithi,
(In both CrI.O.Ps) Government Advocate (CrI.Side)

COMMON ORDER

These petitions have been filed by the petitioners to Set Aside the order passed in CrI MP Nos.1052 and 1053 of 2026 and dated 11.03.2026, and modify the bail condition imposed in CrI MP Nos.204 and 213/2026 dated 19.01.2026.

2. The learned counsel for the petitioners submitted that the petitioners are the accused in Crime Nos. 389 and 566 of 2025 and had approached the Sessions Court for the grant of bail in CrI.M.P. Nos. 204 and 213 of 2026. The same was granted subject to certain conditions. One of the conditions imposed is that the petitioners shall be enlarged on bail upon execution of a bond for a sum of Rs. 25,000/- each, along with two sureties, of whom one shall be a blood relative and the other a local surety, each furnishing a solvency certificate for a like sum to the satisfaction of the Judicial Magistrate No. I, Madurai. The said condition imposed by the Sessions Court is onerous and hence, the learned counsel seeks modification of the same.

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3. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners belong to Uttarakhand and taking into consideration the facts of the case, the trial Court directed the petitioners to produce two sureties, one of whom shall be a blood relative and the other a local surety, each with a solvency certificate, in order to secure the presence of the petitioners. Hence, he strongly opposed the modification of the condition.

4. Heard both sides and perused the material available on record.

5. In this case the offences charged against the petitioners are under Sections 311, 305 and 62 of BNS. Even as per prosecution the petitioners along with others had attempted to commit theft and the trial Court also granted bail to them and directed to execute two sureties one of them should be blood related and another should be local surety. According to the petitioners, the said conditions are onerous.

6. As far as the sureties in this case are concerned, the Court need not impose such an onerous condition. While granting bail, the trial



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Court need not impose such conditions requiring that one surety be a blood relative and another be a local surety in all cases and it is depending upon the nature and circumstances of the case. In this case both the conditions one blood surety and one local surety is onerous. Hence, this Court is inclined to modify the above condition and the petitioners are ordered to be released on bail upon execution of a bond for a sum of Rs. 25,000/- each, along with two sureties, one of whom shall be a blood relative. All other conditions imposed by the Sessions Court are remain intact.

25.03.2026

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(Note: Issue order copy on 26.03.2026)

To

Inspector of Police,
Theppakulam Police Station,
Madurai.



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P. DHANABAL,J

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ORDER
IN
CRL OP(MD) Nos.5718 and 5719 of 2026

Date : 25/03/2026