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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.10235 of 2026

1. Rajendran
2. Kannan
3. Vellusil Prabakaran
4. Palmanickam
5. Murugaiah

...Petitioners/Accused Nos.1 to 5

Vs

State of Tamilnadu,
Rep by Inspector of Police,
Sedapatti Police Station,
Madurai District.
In Crime No. 155 of 2025.

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to set aside the return docket order dated 09.04.2026 in unnumbered CrI.M.P. (Sr). No. unnumbered/2026 passed by the District Munsif Cum Judicial Magistrate, Peraiyur and directing the Learned District Munsif cum Judicial Magistrate, Peraiyur to take number the surrender petitioner along with surety memo filed by the petitioners and accept the sureties as per the other conditions imposed by this court in CrI.OP(MD)No.21645 of 2025 order dated 02.02.2026.



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For Petitioners : M/s.M.Subash Babu
Senior Counsel
for M/s.Subash Law Office

For Respondent : M/s.B.Arun
Counsel for State of TN(crl.side)

ORDER

The present petition has been filed by the accused persons in crime No. 155 of 2025, on the file of the respondent police seeking to set aside the return order passed by the learned District Munsif cum Judicial Magistrate, Peraiyur, to accept the surrender petition along with surety memo filed by the petitioners.

2. A perusal of the records reveal that the petitioner had filed an Anticipatory Bail application before this Court in CrI.OP(MD)No.21645 of 2025, wherein the petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 420 and 506(ii) of IPC.

3. This Court by an order dated 02.02.2026, had allowed the said application and apart from other conditions, this Court had directed the petitioners to deposit a sum of Rs.30,00,000/- in paragraph No.6(b) of the said order. The direction of this Court to deposit a sum of Rs.30,00,000/- was put to challenge by the petitioners before the Hon'ble Supreme Court in S.L.P(crl.)No. 3686 of 2026. By way of an interim order dated 11.03.2026, the Hon'ble Supreme Court was pleased to stay paragraph No.6(b) of the order of this Court.



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4. The petitioners, thereafter, had approached the trial Court seeking to accept the surrender petition and the sureties. However, the same has been returned by the learned Judicial Magistrate citing that unless final orders of the Hon'ble Supreme Court are produced, he would not accept the surrender petition and the sureties submitted by the petitioners herein. Challenging the said return order, the present petition has been filed.

5. I have considered the submissions made on either side and perused the materials available on record.

6. The Hon'ble Supreme Court has passed an order specifically staying paragraph No.6(b) of the order passed by this Court. The trial Court is expected to strictly comply with the directions of the Hon'ble Supreme Court. The trial Court cannot direct the petitioners to await for the final orders of the Hon'ble Supreme Court. In such circumstances, the return order passed by the learned trial Judge is hereby set aside and the trial Judge is directed to accept the surrender petition and see that the orders of this Court in CrI.O.P(MD)No.21645 of 2025 dated 02.02.2026 are strictly complied with except paragraph No.6(b) of the said order.



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7. With the above said observation, this Criminal Original Petition stands allowed. The petitioners are directed to surrender before the trial Court on or before 16.06.2026.

05.06.2026

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

Note:-

1. Issue order copy on 05.06.2026

2. The Registry is directed to return the original impugned order after getting due acknowledgement from the learned Counsel for the petitioner.

To

1. The District Munsif Cum Judicial Magistrate,
Peraiyur.

2. The Inspector of Police,
Sedapatti Police Station,
Madurai District.

Copy to:-

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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