



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.4948 OF 2022

1.Desakannu
2.Lucky

... Petitioners/
Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.783 of 2021)

... Respondent/
Complainant

Prayer:

Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., to modify the conditions "that they shall execute a bond for Rs.25,000/- with two acceptable and reliable sureties for a like sum to the satisfaction of XVI Metropolitan Magistrate, George Town, Chennai on condition that both sureties must be having immovable property standing in their own name supported with title documents and property tax receipt" imposed by the learned Principal Special Judge (NDPS) at Chennai in Crl.M.P.No.360 of 2022, dated 10.02.2022 in connection with Crime No.783 of 2021 (on the file of the Respondent Police, Chennai).

For Petitioners : Mr.M.Illiyas

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed by the petitioners to modify the condition imposed in Crl.M.P.No.360 of 2022, dated 10.02.2022 on the file of the respondent police.

2. While granting default bail to the petitioners herein for NDPS offence, the Lower Court imposed a condition that the



sureties furnished by the petitioners herein should have immovable property worth Rs.25,000/- standing in their names and in support, the Title Documents and Property Tax Receipts should be produced before the XVI Metropolitan Magistrate Court, George Town, Chennai. The said condition is sought to be modified under this petition stating that the petitioners/accused are not having immovable property worth Rs.25,000/- standing in their names. Therefore, the learned counsel in alternate seeks for modification that the sureties worth Rs.25,000/- may be for movable.

3. On considering the request made by the learned counsel for the petitioners, the conditional order passed by the learned Principal Special Judge, (FAC), EC & NDPS Court, Chennai dated 10.02.2022 is modified to the effect that the petitioners shall execute the sureties worth about Rs.25,000/- each shall be either movable or immovable property before the concerned satisfaction Court. The other conditions imposed by the Court shall remain intact.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssi/drl

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Principal Special Judge (NDPS),
Chennai.
3. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.4948 of 2022

AKII (CO)
PM/18/03/2022