



CrI.O.P.No.29631 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

CrI.O.P.No.29631 of 2022

1.Karthik Bohi
S/o.Bishikeshan Bhoi

2. Bhupati Bhushan Mahakud
S/o.Santhosh Maghakud

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Jolarpet Railway Police Station,
Thirupattur.
(Crime No.105/2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to modify the condition that the petitioner/accused should execute a bond for a sum of Rs.50,000/- with 2 sureties and the sureties should be a close relatives and to prove their possession of such properties necessary documents.

For Petitioner : No appearance

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to modify the condition that the petitioners/accused should execute a bond for a sum of Rs.50,000/- with 2 sureties and the sureties should be a close relatives and prove their possession of such properties through necessary documents.

2. The petitioners/accused in Crime No.105 of 2022 were arrested on 21.06.2022 for the offence under Section 8(c), read with 20(b)(ii)(B) of NDPS Act for possession of 7kg Ganja. Thereafter, the petitioners had filed statutory bail application under Section 167(2) of Cr.P.C. before the Trial court in CMP.No.913 of 2022. The Trial Court vide order dated 29.09.2022 granted bail to the petitioners and imposed certain conditions. One of the condition is that, the petitioners should execute a bond for a sum of Rs.50,000/- with two sureties and the sureties should be a close relatives and prove their possession of such properties through necessary documents. Since the petitioners were unable to produce sureties with such condition, the present petition for modification of condition is filed



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3. Today, there is no representation on behalf of the petitioner.

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4. The learned Additional Public Prosecutor, on instructions, submits that the petitioners herein filed two petitions for the same prayer, one is the present petition viz., Crl.OP.No.29631 of 2022 and another one is Crl.OP.No.1976 of 2023 to modify the condition imposed by the Trial Court in CMP.No.913 of 2022 dated 29.09.2022

5. This Court vide order dated 30.01.2023 in Crl.O.P.No.1976 of 2023 modified the condition to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, out of which, one must be a blood relative, each for a like sum. The other conditions shall remain intact. Pursuant to which, the petitioners have executed the sureties with modified condition and have now come out on bail. Thereafter, they appeared before the respondent for one day, thereafter they have not appeared and failed to comply with the condition. Hence, the learned Additional Public Prosecutor submits that for non-compliance of the condition, the respondent police is taking steps to cancel the bail petition. He would further submits that filing of two petition for a similar relief suppressing the true facts would also be highlighted.



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M.NIRMAL KUMAR, J.

mp

6. In view of the submission made by the learned Additional Public Prosecutor, as of now the prayer sought for by the petitioner in this petition is no more required. Accordingly, this Criminal Original Petition is dismissed.

14.06.2023

Index: Yes/No
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To

1. The Inspector of Police,
Jolarpet Railway Police Station,
Thirupattur.

2. The Public Prosecutor,
High Court, Madras.

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