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Crl. O.P. No. 18890 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 18890 of 2024

Jagrupray

... Petitioner

Vs.

State rep., by
The Inspector of Police,
PEW Namakkal Police Station,
Namakkal District.
(Crime No. 397 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to direct the learned Special Judge for EC/NDPS Act Cases, Salem to accept the sureties furnished by the petitioner in Crl. M.P.SR.No. 1275 of 2024 in Crl. M.P.No. 814 of 2024 dated 11.07.2024 without insisting the solvency certificate and thus render justice.

For Petitioner : Mr. R. Pandimeena

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)



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ORDER

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- 1. The petitioners/A1 and A2 should execute a bond each for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of this Court and the sureties should be parents or close relatives or friends are necessary.*
- 2. To prove their identity of the sureties they should have file a passport size photos along with their Aadhar Card or Ration Card or Voter ID Card Proof.*
- 3. The petitioners/A1 and A2 should appear and sign before the respondent police daily at 10.00 am until further orders.*
- 4. The petitioners shall not abscond either during investigation or trial.*
- 5. The petitioners shall not tamper with evidence or witness either during investigation or trial”.*



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2. When the petitioner produced surety, the surety memo was returned with the following endorsement:

“ Since the surety is native of Bihar, necessary certificate to be obtained from the concerned Tahsildar to show that the sureties are residing and having property within his jurisdiction. Hence returned”.

3. The learned counsel appearing for the petitioner submits that as per the Rule 14(2) of Criminal Rules of Practice,, the production of Solvency Certificate from the Revenue Authority is not always essential and may be insisted upon only in case of doubt and cases involved in large sums stating that the said seizure of 1.200 kgs of ganja from two persons and they are ready to furnish two sureties of their native along with title document of the property in the name of the sureties. However, the Court below insists upon solvency certificate of revenue authority which is difficult and time consuming.

4. The learned Government Advocate (Crl.Side) submits that if the petitioner is not in a possession to get the solvency certificate from the revenue official for the sureties residing at Bihar , the petitioner may



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furnish any local surety with solvency certificate.

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5. On perusing the bail conditions imposed by the trial Court, this Court finds that the trial Court has insisted upon a surety, it should be parents or close relatives or friends of the accused persons. They need not be necessarily residence of Bihar. Therefore, as suggested by the learned Government Advocate (Crl.Side), the petitioner may get any surety who can furnish any solvency certificate from the revenue authority. Since the petitioner hails from Bihar, the offence related to narcotic drugs, this Court is not inclined to exercise the exception contemplated in Rule 14(2) of the Criminal Rules of Practice.

6. In view of the above observations, this Criminal Original Petition is disposed of.

06.08.2024

Vv

To

1.The Inspector of Police,
PEW Namakkal Police Station,
Namakkal District.

2.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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