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Crl.O.P.(MD)No.21706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.21706 of 2024

1.K.Sonu Chetri

2.Bablu Kumar Yadav

... Petitioners

Vs.

State of Tamil Nadu,
The Inspector of Police,
Swaminathapuram Police Station,
Dindigul District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 483 (1)(b) of BNS Act, (439 (1)(b) of Criminal Procedure Code) to modify the condition imposed on the petitioners vide order dated 21.10.2024 made in Crl.M.P.No.3240 of 2024 by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai and to direct the said Court to accept sureties with solvency in Dindigul District.

For Petitioners

: Mr.M.Suresh

For Respondent

: Mr.A.Albert James,
Government Advocate
(Criminal Side)



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ORDER

This Criminal Original Petition has been filed to modify the condition imposed on the petitioners vide order dated 21.10.2024 made in Crl.M.P.No.3240 of 2024 by the learned Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai and to direct the said Court to accept sureties with solvency in Dindigul District.

2. When the petitioners were granted bail, the Court below imposed a condition to the effect that out of two sureties, one surety must be a blood surety and another surety must produce a solvency certificate from the jurisdictional Tahsildar. The petitioners are not able to get the second surety. In view of the same, the petitioners are not able to come out on bail.

3. The learned counsel appearing for the petitioners submitted that the quantity involved in the present case is 1.150 kgs of ganja and therefore, the petitioners after coming out on bail are intending to plead guilty and undergo sentence. However, they are not able to come out on bail, since they are not able to satisfy the second condition.



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4. Taking into consideration the facts and circumstances of the case and considering the ground that has been raised in this modification petition, the condition imposed by the Court below is modified and there shall be two sureties, out of which, one surety shall be the blood surety and other surety shall be a local surety. The other conditions remain unaltered.

5. This Criminal Original Petition is allowed accordingly.

10.12.2024

Index : Yes/No

Internet : Yes/No

TSG

Note : Issue Order Copy by 10.12.2024

To

1.The Principal Special Court for Narcotic Drugs and Psychotropic Substances Act Cases, Madurai

2.The Inspector of Police,
Swaminathapuram Police Station,
Dindigul District.

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



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N.ANAND VENKATESH. J.

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