

Crl.O.P.(MD) No.4757 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.4757 of 2025

Mohammed Nazil

... Petitioner/ Accused No.3

Vs.

The State
rep. by Inspector of Police,
Kodaikanal Police Station,
Dindigul.
(Crime No.465 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438(i)(b) r/w 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order in Crl.M.P.No.323 of 2025 on the file of the learned Principal Special Court for Trial of NDPS Act Cases, Madurai, dated 20.02.2025 and modify the condition by directing the petitioner to execute the sureties with one blood surety without solvency and another surety with cash deposit of Rs.10,000/- in connection with the case in Crime No.465 of 2024, on the file of the respondent police.

For Petitioner : Mr.M.Jagedeesh Pandian

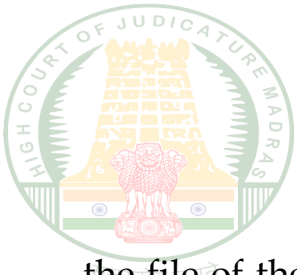
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

ORDER

This Petition has been filed under Section 483(i)(b) r/w 528 of Bharatiya

Nagarik Suraksha Sanhita, 2023 to set aside the order in Crl.M.P.No.323 of 2025 on

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the file of the learned Principal Special Court for Trial of NDPS Act Cases, Madurai,
WEB COPY dated 20.02.2025 and modify the condition by directing the petitioner to execute the sureties with one blood surety without solvency and another surety with cash deposit of Rs.10,000/- in connection with the case in Crime No.465 of 2024, on the file of the respondent police.

2. Mr.M.Jagedeesh Pandian, learned counsel appearing for the petitioner, submits that the learned Principal Special Judge, vide order dated 21.01.2025, in Crl.M.P.No.106 of 2025, directed the petitioner to execute a bond for a sum of Rs.10,000/- along with two sureties each, among them one surety is blood surety and another one surety with solvency (petitioners own Jurisdiction Thasildar). He further submits that due to the difficulty to produce Solvency Certificate, the petitioner is unable to comply with the said order. Hence, he prays to allow this petition.

3. Heard Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the State.

4. In view of the difficulty and the reasons stated in the petition, this Court is inclined to modify the condition. Accordingly, modified as hereunder:

“The petitioner shall execute bond for Rs.10,000/- each along with two sureties each for a like sum of Rs.10,000/- and out of two sureties, one shall be a blood relative. The learned Principal Special Judge shall not insist Solvency Certificate from



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the petitioner.”

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5. To the above extent, this petition is ordered and the condition imposed by the learned Principal Special Judge, Principal Special Court for Trial of NDPS Act Cases, Madurai in Crl.M.P.No.106 of 2025, dated 25.01.2025, is modified as indicated above. The other conditions imposed by the trial Court shall hold good.

sd/-

14/03/2025

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14/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 THE PRINCIPAL SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.4757 of 2025
Date :14/03/2025

SA/SAR. /14.03.2025/3P/5C

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