

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2015

CORAM:

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

Crl.O.P. No.16801 of 2015

Mohammed Sarbudeen

.. Petitioner/Accused.

Vs.

State by
the Superintendent of Customs,
Chennai Customs, Chennai

.. Respondent/Respondent.

Criminal Original Petition filed under Section 439(1) (b) r/w.482 of Cr.P.C., praying to modify the condition imposed by the Judicial Magistrate, Alandur in Crl.M.P.No.7379 of 2014 dated 01.12.2014 that the petitioner shall furnish one property surety for Rs.5 lakhs and another a relative cash surety of Rs.10,000/-.

For Petitioner : Mr. M.S. Charles

For Respondent : Mr. T.P. Sekar,
Special Public Prosecutor

O R D E R

This petition has been filed to modify the condition imposed by the Judicial Magistrate, Alandur in Crl.M.P.No.7379 of 2014 dated 01.12.2014 that the petitioner shall furnish one property surety for Rs.5 lakhs and another a relative cash surety of Rs.10,000/-.

2. Learned counsel for the petitioner submitted that the petitioner was arrested and subsequently released on bail by the learned Judicial Magistrate, Alandur in Crl.M.P.No.5099 of 2014 on 25.8.2014 and at the time of his arrest, his original passport was seized by the respondent police. Hence the petitioner filed a petition for return of his original passport in Crl.M.P.No.7379 of 2014 and the learned Judicial Magistrate, Alandur has ordered to return the original passport on condition that the petitioner shall furnish one property surety for Rs.5 lakhs and a relative cash surety of Rs.10,000/-.

3. He further submitted that the petitioner is a poor daily wage labourer and as the condition imposed by the learned Judicial Magistrate is very onerous, he is not able to comply with the same.

Hence he filed the present petition seeking modification of the condition imposed by the court below for return of his original passport.

4. Learned Special Public Prosecutor for Customs submitted that the petitioner was arrested by the respondent police for the offence under Sections 132, 135(1)(a) and (b) of the Customs Act. He further submitted that the conditions imposed by the trial court are reasonable and if the same is modified, there is every possibility of this petitioner being abscond and hence prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case, this Court feels that the condition imposed by the court below is just and fair and further if the condition is modified, there is every possibility of the accused being abscond, hence, this court is not inclined to modify the condition imposed by the court below. Therefore, this petition is dismissed.

msr

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate, Alandur.
2. -do- thro" The Chief Judicial Magistrate,
Pudhukkottai.
3. The Superintendent of Customs,
Prosecution Unit, Chennai.

ctk(co)
prk15/9

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