



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :15.06.2016
CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P.(MD).No.8863 of 2016

WEB COPY

1.Sheik Farid
2.Karthikeyan

... Petitioners/Petitioners

Vs.

Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.22/14, Roche Colony,
South Beach Road,
Tuticorin, F.No.DRI/CTU/TTN/VIII/48/12 INJ 1/15.

... Respondent/Complainant

PRAYER: Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the conditional order in Crl.M.P.No.7352 of 2015, dated 29.12.2015, on the file of the learned Judicial Magistrate No.I, Thanjavur.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.C.Arul Vadivel @ Sekar
Spl.P.P. For DRI Cases

O R D E R

This petition has been filed seeking modification of the condition imposed in Crl.M.P.No.7352 of 2015, dated 29.12.2015, on the file of the learned Judicial Magistrate No.I, Thanjavur.

2.The petitioners were charged for the offences under Section 104 r/w 135 of the Customs Act, 1962 and they were arrested and remanded to judicial custody on 28.10.2015. Both were enlarged on bail by the Judicial Magistrate No.I, Thanjavur in Crl.M.P.No.7352 of 2015, dated 29.12.2015 with following conditions:

"1.The petitioners shall execute a bond each for Rs.10,00,000/- with two sureties each for a like sum to the satisfaction of this Court.

2.The petitioners shall file a documents showing their permanent residence (Except the Ration Card)

3.The petitioners shall produce solvency certificate duly signed by the RDO.

4.The sureties must be well known persons of the locality having permanent residence.

5.The petitioners are appear before the respondent daily at 11.00 a.m., until further orders.

6.The petitioners shall deposit their passport before this Court, if the same is not available they shall file separate affidavit to that effect and also should not

leave the country without prior permission from the Court."



3. Now the petitioners have come out with the present petition for modification of the condition Nos.1 & 3. According to the petitioners, they are only coolies and they are not in a position to execute a bond each for Rs.10,00,000/- with two sureties and they are unable to comply with the condition imposed by the Court.

4. The learned Special Public Prosecutor appearing for the respondent submitted that the petitioners smuggled gold biscuits worth Rs.4,12,00,000/- and they have sufficient means and prayed for dismissal of the petition.

5. Considered the rival submissions.

6. It is well settled that while enlarging the accused persons on bail onerous condition should not be imposed. The condition imposed on the petitioners to execute a bond each for Rs.10,00,000/- is onerous.

7. The learned counsel for the petitioners submitted that the petitioners are ready and willing to produce the solvency certificate signed by the Tahsildar.

8. The conditions 1 & 3 are modified to the effect that the petitioners shall execute a bond each for Rs.75,000/- with two sureties each for a like sum to the satisfaction of the Court and to produce the solvency certificate duly signed by the Tahsildar and other conditions imposed by the learned Judicial Magistrate No.I, Thanjavur, are confirmed.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I, Thanjavur.

2. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.22/14, Roche Colony, South Beach Road, Tuticorin.

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

+2cc to M/S.S.Ramasamy, Advocate in SR.No.30480

Crl.O.P. (MD).No.8863 of 2016
15.06.2016

am

PA/AAL-MPA/SAR II/21.06.2016/2P/6C