

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.11306 of 2019

Paridosh Sarkar

... Petitioner/Accused

Vs.

The Inspector of Police,
NIB CID, Vellore.
(Crime No.11 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Hon'ble III Additional District Judge, Special Judge of EC Act cases (FAC) Salem to modify the bail condition imposed in the order passed in C.M.P.No.206 of 2018 on 08.04.2019 so as to enlarge the petitioner on bail.

For Petitioner : Mr.S.Jeyakumar

For Respondents : Mr.C.Raghavan,
Government Advocate (CrI.side)

O R D E R

This petition has been filed seeking direction to the learned III Additional District Judge, Special Judge of EC Act cases (FAC), Salem, to modify the bail condition imposed in the order passed in C.M.P.No.206 of 2018 on 08.04.2019.

2.The petitioner was arrayed as an accused in Crime No.11 of 2018 for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act and the petitioner was arrested and remanded to judicial custody on 23.02.2018. Therefore, he filed a petition in CMP.No.206 of 2018 in Crime No.11 of 2018 before the learned Special Judge for EC Act cases, Salem, seeking bail. The said bail petition was allowed on 29.05.2018, on condition that the petitioner/ accused shall execute a bond for Rs.10,000/- each with two sureties of close relatives of the petitioner/ accused. Thereafter, he filed a petition under Section 441 of Cr.P.C. before the concerned Judge, however, the learned Special Judge for EC Act cases, Salem has dismissed the said petition stating that the close relative to be given as surety. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard both sides.

4.It is seen that the petitioner was granted default bail on 29.05.2018 under Section 167(ii) of Cr.P.C. While granting bail, the III Additional District Judge, Special Judge for ECT Act Cases, Salem, had imposed a condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each with two sureties of close relative of the petitioner/ accused. The petitioner has produced his wife and mother-in-law as sureties, but the learned Special Judge has returned the sureties stating that close relatives to be given as sureties.

5.Considering the above facts and circumstances of the case, the petitioner is directed to represent the sureties before the learned Additional District Judge, Special Judge for E.C.Act cases, Salem (FAC). On receipt of the same, the learned Magistrate is directed to verify the relationship of the sureties with the petitioner and accept the same.

6.With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To:

1.The III Additional District Judge
Special Judge for E.C.Act Cases, (FAC)
Salem

2.The Inspector of Police,NIB CID, Vellore.
(Crime No.11 of 2018)

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.S.Jayakumar, Advocate,S.R.No.40522

Cr1.O.P.No.11306 of 2019

GJ(CO)
vrn/21.05.2019