

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.16197 of 2019

Eswari

..Petitioner/Accused 2

vs.

State, represented by
The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore District.
(Crime No.1798 of 2018)

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed on the petitioner made in C.M.P.No.451 of 2019 dated 03.05.2019 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore 'the petitioner/accused no.2 are ordered to be released on bail on executing a bond for Rs.25,000/- two solvency sureties for a like sum to the satisfaction of this Court and out of the two solvency sureties, one surety must be closed blood relative of the petitioner/accused no.2'.

For Petitioner : Mr.M.Balaji

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while granting bail to the petitioner.

2. The respondent has registered an FIR in Crime No.1798 of 2018 for the alleged offences under Section 8(c) r/w 20(B), (ii), (C) and 25,27A,29(1) of NDPS Act 1985. The petitioner has been arrayed as A2 and she was arrested and remanded to judicial custody on 30.10.2018.

3. The petitioner was in judicial custody for nearly 186 days and since no final report was filed by the respondent police, a statutory bail petition was filed before the Court below. The Court below had allowed the petition by imposing certain conditions. The 1st condition was that the petitioner should execute a bond for a sum of Rs.25,000/- along with two sureties for a like sum. The 2nd condition was that one of the surety should be a close blood relative of the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is not in a position to execute a bond for a sum of Rs.25,000/- with two sureties for a like sum since the court below is insisting for immovable property documents. The learned counsel further submitted that no blood relative is coming forward to stand as a surety to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. Taking into consideration the facts and circumstances of the case, the 1st condition imposed by the Court below is modified to the extent that the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties for a like sum. Insofar as the 2nd condition is concerned, admittedly the petitioner has two daughters and one of the daughter can stand as a surety or if the husband of the petitioner is alive, he can also stand as a surety. Considering the quantity of contraband involved in this case, this Court does not want to interfere with the surety portion of the order and the surety shall be executed in line with the clarification made by this Court.

6. This Criminal Original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

ssr/jas

To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.

2. The Inspector of Police,
E2 Peelamedu Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.A.Sathishkumar, Advocate, S.R.No.51839

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NRJK(CO)

RRS (25/06/2019)



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