

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :16.07.2019
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.18795 of 2019

Sudhagar @ Jilo

... Petitioner

Vs.

The State represented by
The Inspector of Police,
H-2, Guduvancheri Police Station,
Kancheepuram.
(Crime No.273 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the condition that the petitioner reliable sureties each for a like sum to the satisfaction of the II-Metropolitan Magistrate, Egmore Court at Chennai.

For Petitioner : Mr.Mohammed Aasif

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition is filed to modify the bail condition that the petitioner reliable sureties each for a like sum to the satisfaction of the II-Metropolitan Magistrate, Egmore Court at Chennai.

2. The case of the prosecution is that the petitioner was found in possession of 2.100 kgs of Ganja and the offence have been charged under Section 8(c) r/w 20(b), (ii) (B) of NDPS Act. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 26.04.2019 by the respondent police. Further he would submit that, the petitioner was detained after the statutory period of 68 days and therefore, he filed a petition for the grant of statutory bail under Section 167(2) Cr.P.C. The learned Judicial Magistrate No.II, Chengalpattu was pleased to grant bail to the petitioner by an order dated 09.07.2019. However, while ordering bail to the petitioner, the learned Magistrate, imposed certain conditions as follows :-

" 1.The petitioner/accused is ordered to be released on bail on him executing a bond for Rs.10,000/- with two acceptable and reliable sureties each for a like sum to the satisfaction

of the Judicial Magistrate No.II, Chengalpattu

2.From the date of release, the petitioner has to appear and to sign before the NDPS Court twice a week on every Monday and Friday at 10.30 a.m. until further orders".

The learned counsel for the petitioner would further submit that while the petitioner was enlarged on statutory bail under Section 167(2) Cr.P.C., no condition can be imposed and it is onerous and stringent. Therefore, he prays to modify the conditions imposed, while he was granted bail.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioner is accused in Crime No. 273 of 2019 registered, under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. She would further submit that the investigation is still pending. Therefore, she vehemently opposed to modify the condition imposed by the Court below.

5. Heard Mr.Mohammed Aasif, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondent.

6. It is seen that the petitioner is the accused in Crime No.273 of 2019 registered, under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. Considering, the above facts and circumstances of this case, this Court does not find any merits in this petition and not inclined to modify the condition.

7. Accordingly this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Metropolitan Magistrate-II,
Egmore Court at Chennai.

2.The Judicial Magistrate No-II,
Chengalpattu.

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3.The Inspector of Police,
H-2, Guduvancheri Police Station,
Kancheepuram.
(Crime No.273 of 2019)

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P. No.18795 of 2019

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