

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.21950 of 2019

Abdul Hakkim

... Petitioner/Accused

Vs.

State, represented by
The Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.
(Crime No.85 of 2019.)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition imposed on the petitioner by the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore by an order dated 05.08.2019 made in C.M.P.No.994 of 2019 "the petitioner/Accused is ordered to be released on bail on his executing bond for a sum of Rupees 25,000/- with two solvency sureties".

For Petitioner : Mr.M.Vinoth
For Respondent : 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 petitioner was arrested and remanded to judicial custody on 03.06.2019 by the respondent police for an offence under Section 8(C) r/w 20(b) (ii) (B) of NDPS Act.

3.The final report was not filed within 60 days and therefore the petitioner filed a statutory bail petition under Section 167(2) of Cr.P.C. The Court below granted bail to the petitioner by imposing certain conditions. One of the condition imposed by the Court below was that the petitioner should execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five

Thousand only) with two local sureties for a likesum, out of which one surety must be a blood relative.

4.The learned Counsel for the petitioner submitted that the petitioner is very poor and he is not in a position to execute a bond for a sum of Rs.25,000/- or get sureties for a sum of Rs.25,000/-, since it involves deposit of property documents or cash. Therefore the learned Counsel submitted that the said condition may be modified.

5.The learned Additional Public Prosecutor on instructions submitted that the Court below took into consideration the fact that the petitioner hails from Kerala and that he is involved in a serious offence and therefore there is no ground to interfere with the said conditions.

6.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 shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) and execute a bond for the said sum along with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, out of which one of the surety shall be a blood relative. The other conditions imposed by the Court below shall stand as it is.

7.This Criminal Original Petition is disposed of accordingly.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Pollachi Town Police Station,
Coimbatore District.

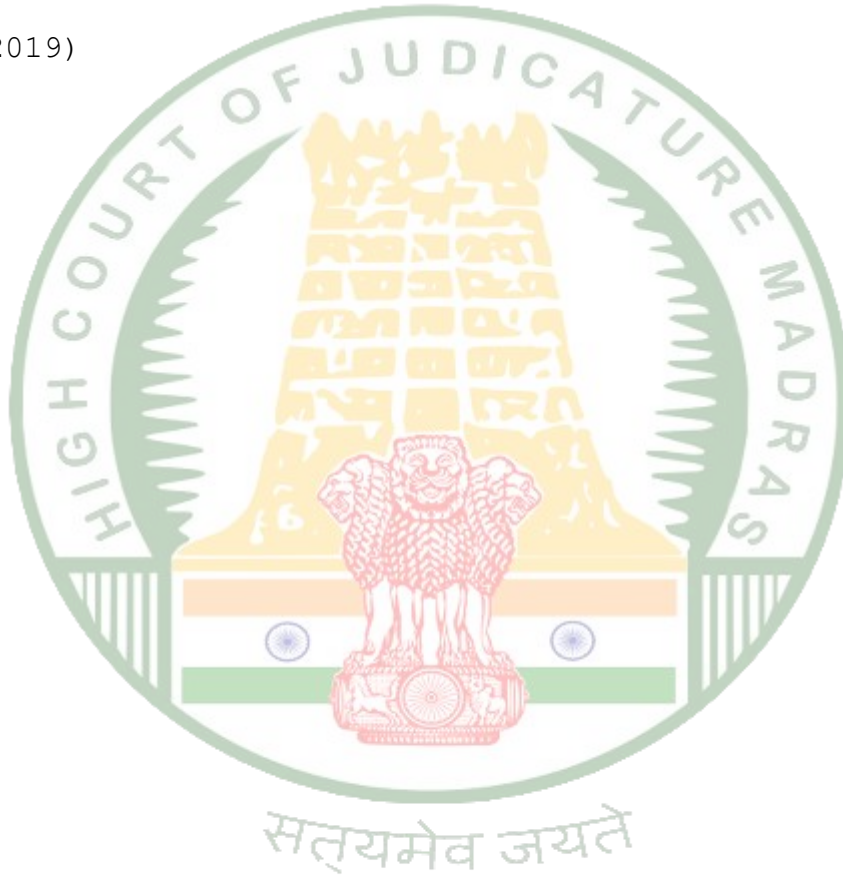
3. The Superintendent
Central Prison
Coimbatore

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Vinoth, Advocate sr 69593.

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NRL (CO)
SP (16/08/2019)



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