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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.31395 of 2019

Hussain

...Petitioner

Vs.

State: Inspector of Police,
J11, Kannagi Nagar Police Station,
Chennai.
(Crime No.288 of 2019)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the bail condition that the petitioner on executing a bond for Rs.1,00,000/- wit 2 sureties for the like sum, one being a blood relative to the petitioner imposed by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai in Crl.M.P.No.2218 of 2019 dated 24.10.2019 in C.C.No.156 of 2019 in Cr.No.288 of 2019.

For Petitioner : Mr.M.Rajavelu

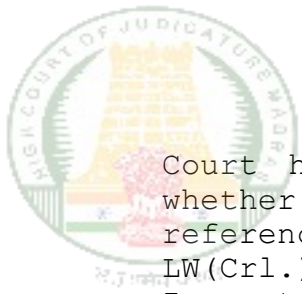
For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused, was granted bail by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai in Crl.M.P.No.2218 of 2019 on certain conditions. Seeking to modify the same, the present petition has been filed.

2. Heard Mr.M.Rajavelu, learned counsel for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent.

3. It is now a settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and the



Court has to satisfy itself with the only requirement as to whether the accused persons are prepared to furnish bail. Useful reference can be made to the Judgement of this Court in 2019 1 LW(Crl.) 387 in the case of Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore. Therefore, the condition imposed by the Court below requires interference and since the petitioner is not in a position to comply with the said condition, he is not able to come out on bail till today.

4. In the result, the condition imposed by the Court below directing the petitioner to execute a bond for a sum of Rs.1,00,000/- with two sureties for the like sum, one being a blood relative to the accused to the satisfaction of this Court, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with any two sureties for a like sum.

5. It is made clear that the Court below shall not insist on solvency certificate for such sureties.

6. All other observations made in the earlier order dated 24.10.2019 in Crl.M.P.No.2218 of 2019, shall remain intact.

7. Accordingly, this Criminal Original Petition stands ordered.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Special Judge,
I Additional Special Court
for Exclusive Trial of Cases under NDPS Act,
Chennai.
2. The Inspector of Police,
J11, Kannagi Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



+1 cc to Mr.Rajavelu Advocate sr97480

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