

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10735 of 2020

1 Okki @ Akshya Das

2. Bijaya Laxmi

...Petitioners/Petitioners/
A1 & A2

Vs.

The State represented by
Inspector of Police
NIB CID Police Station
Coimbatore District.

... Respondent/Respondent /
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to set aside the order dated 04.06.2020 made in Spl.CMP No.66 of 2020 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and to modify the condition No.1 and 2 that the petitioners/accused No.1 and 2 are ordered to be released on bail on each of them executing a bond for Rs.25,000/- two Solvency Sureties each for a like sum to the satisfaction of this Court and out of the two solvency sureties, one surety must be close relatives/parents of the petitioners/accused No.1 and 2 and the another one surety is from the resident of Annur locality and the petitioners/accused No.1 and 2 shall report before the respondent police station daily thrice in the morning at 10.00 AM, noon at 3.00 PM and in the evening at 5.00PM, without fail until further orders imposed in order dated 19.03.2020 made in CMP No.501 of 2020 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioners : M/s.S.Panneer Selvam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed to set aside the order in Spl. CMP No.66 of 2020 on 04.06.2020 on the file of the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and to modify the conditions 1 and 2 imposed in order dated 19.03.2020 in CMP

No.501 of 2020.

2. The learned counsel for the petitioners would submit that the petitioners are husband and wife and had been arrested and remanded to custody on 20.09.2019 and therefore, filed bail application in CMP No.501 of 2020 under Section 167(2) of Cr.P.C before the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and the learned Additional District Judge granted statutory bail under Section 167(2)(a)(II) of Cr.P.C to the petitioners on 19.03.2020 on certain conditions; Since the petitioners' relatives are residing away from the residence of the petitioners, they were not able to get solvency certificates through their relatives and friends and in the mean time, due to COVID 19 pandemic and the lockdown announced by the Government, all the revenue officials are deputed to Corona relief duties, so the petitioners are not in a position to get solvency certificate from the Village Administrative Officer. Therefore, the petitioners filed Spl.CMP No.66 of 2020 in CMP No.501 of 2020 seeking modification of the bail order and order to release them on their own bond, but the same was dismissed on 04.06.2020 by the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore. Hence, the petitioners seek for setting aside the dismissal order.

3. Heard Mr.S.Panneer Selvam, learned counsel appearing for the petitioners and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent.

4. On perusal of the records it is seen that the petitioners, after their arrest, filed bail application in CMP No.501 of 2020 and the Additional District Judge on 19.03.2020 granted statutory bail to the petitioners on certain conditions. Since the petitioners' were not able to get solvency certificates through their relatives and friends due to COVID-19 pandemic and also for the reason that the relatives and friends are away from the petitioners' residence, they filed Spl.CMP No.66 of 2020 in CMP No.501 of 2020 seeking modification of the bail order and order to release them on their own bond. The learned Additional District Judge dismissed the said petition on 04.06.2020 stating that the accused are basically belongs to Odissa State and presently residing at Annur and the total quantity of ganja involved is 26.520 Kg, which is commercial quantity. This Court is not inclined to interfere and set aside the order passed by the learned Additional District Judge. This petition is devoid of merits.

5. Accordingly, the Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

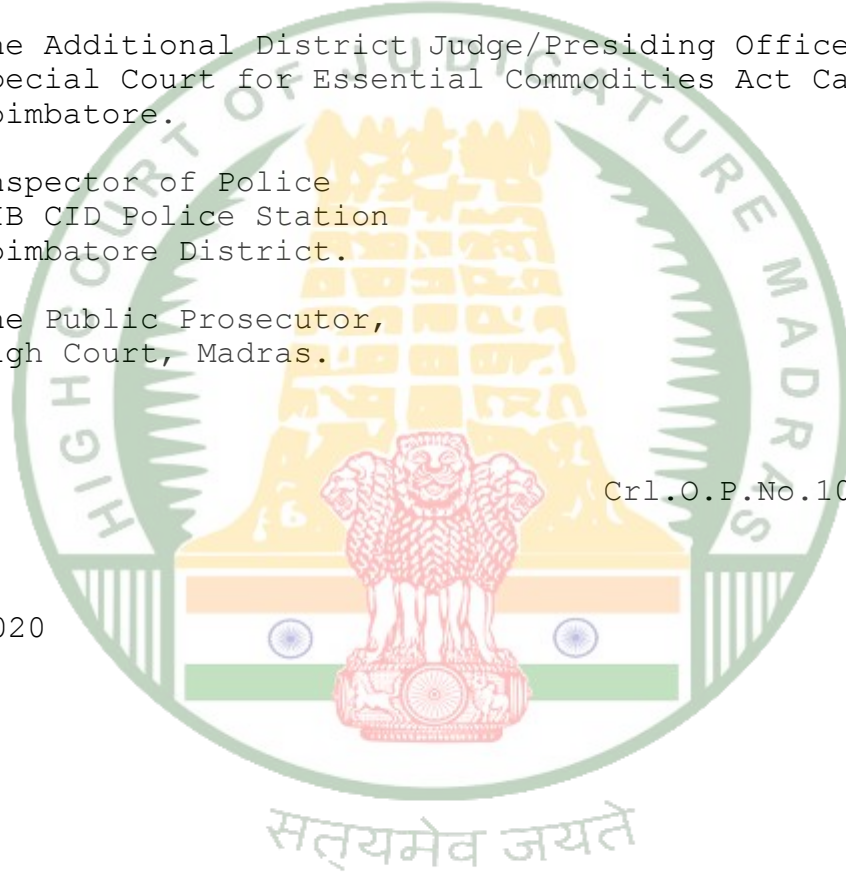
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To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
2. Inspector of Police
NIB CID Police Station
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10735 of 2020

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