

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. No.12923 of 2020

Saritha,
W/o. Nagaraj,
No. 75, H-Block,
Moorthinger Street,
Vyasarpadi,
Chennai – 600 039.

... Petitioner

Vs

State Represented by its
P5, MKB Nagar Police Station,
Chennai.

... Respondent

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. Praying to modify the condition to the petitioner is ordered to be released on bail on her executing a bond for Rs.10,000/- with two acceptable and reliable sureties each for like sum to the satisfaction of the X Metropolitan Magistrate, Egmore, Chennai -08, in Crl. M.P.No.398 of 2020 dated 29.01.2020 on the file the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai in Crime No.717 of 2019 on the file of the respondent / police.

For Petitioner : Mr. J.Samiullah
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed to modify the condition of releasing the petitioner on her executing a bond for Rs.10,000/- with two acceptable and reliable sureties each for like sum to the satisfaction of the X Metropolitan Magistrate, Egmore, Chennai -08, in Crl. M.P.No.398 of 2020 dated 29.01.2020 on the file the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai in Crime No.717 of 2019 on the file of the respondent / police.

2. Learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 22.11.2019 for having found in possession of 1.300 Kg of Ganja and the petitioner was later detained under Act 14/1982 against which the petitioner had filed H.C.P. No.145 of 2020. He further submitted that, on 11.12.2019, Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai, granted bail to the petitioner in Crl. M.P. No.398 of 2020 on

condition of executing a bond for Rs.10,000/- with two acceptable and reliable sureties each for like sum to the satisfaction of the X Metropolitan Magistrate, Egmore, Chennai -08. He further submitted that, meanwhile, the petitioner's detention order was also set aside by this Court on 06.08.2020, however, the petitioner is unable to come out of jail since she is unable to arrange for surety due to pandemic situation (Covid-19) and hence, from 22.11.2019, despite the bail granted on 29.01.2020, the petitioner is inside the jail. Learned counsel for the petitioner would submit that if the petitioner is released on own bond and time is granted, the petitioner will appear before the concerned Special Court within a specific time and produce require sureties as directed by the Court concerned.

3. Considering the facts and circumstances of this case and the submission made by the counsel, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the Superintendent of the concerned prison in which the petitioner has been confined and thereafter, the petitioner shall

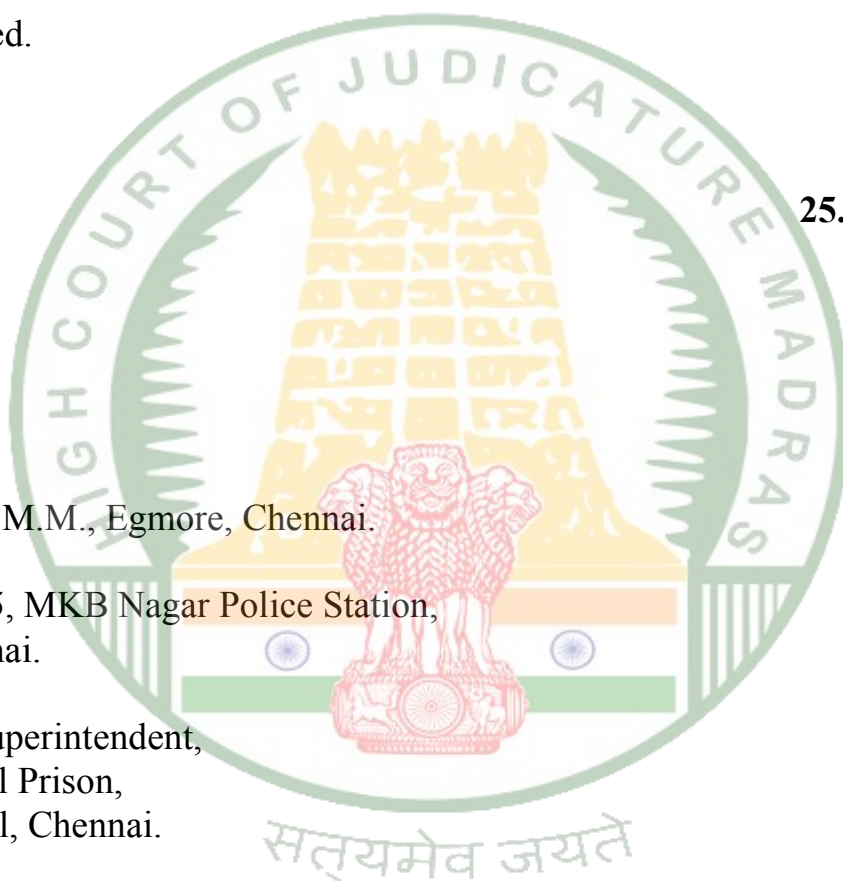
within three weeks from the date of release from the jail, appear before the concerned Special Court and produce two sureties for a sum of Rs.10,000/-. The further conditions imposed by the lower Court remains unchanged.

25.08.2020

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To

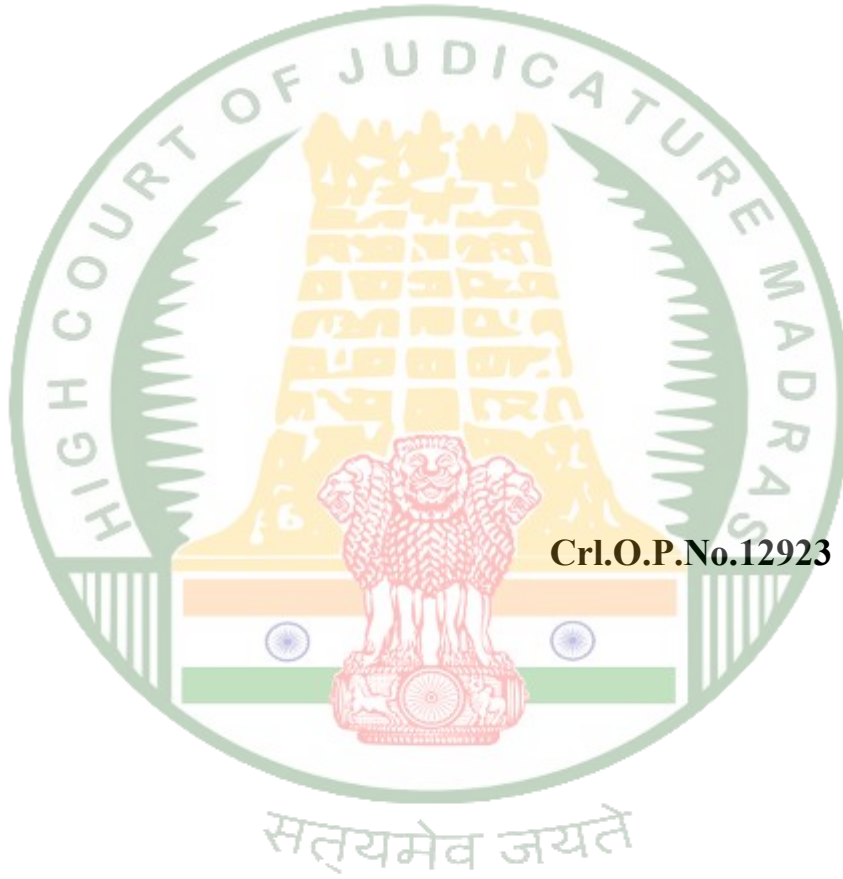
1. The X.M.M., Egmore, Chennai.
2. The P5, MKB Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor
High Court of Madras.



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A.D.JAGADISH CHANDRA. J.,

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