



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.4935 OF 2022

1.Mofidul Islam
2.Lal Bahadur
3.Nur Islam

...Petitioners / A1 to A3

Vs.

State Rep by
Inspector of Police,
NIBCID, Chennai,
(Cr.No.32 of 2020)

...Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 439 (1) (b) r/w Section 482 of Criminal Procedure Code, to modify the condition imposed in Crl.MP.No.241 of 2022 before the learned Special Judge-II, Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai to the extent that instead of producing the surety for each accused must be having immovable property standing in their own name supported with tax receipts, the petitioners are ready and willing to produce the surety of their blood relatives.

For Petitioners : Mr.J.Samiullah

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to modify the condition imposed in Crl.M.P.No.241 of 2022 passed by the learned Special Judge II, Additional Special Court for Exclusive Trial of Cases by an order dated 18.02.2022.

2. Heard both sides.

3. Since the petitioners are hailing from Assam, the Court below while granting bail had imposed the condition that one of the sureties must be from local and other sureties must have immovable property in their name worth more than Rs.20,000/-.



4. The learned counsel for the petitioners has filed this petition for modification in the said condition stating that these petitioners are unable to secure sureties with immovable property. Therefore, the condition may be appropriately modified permitting the petitioners to produce any blood relative sureties.

5. Considering the said submissions and the nativity of the petitioners, this Court is of the view that if the request of the petitioner is acceded i.e., the blood relative sureties from Assam and again, it will be difficult to proceed against the sureties if the petitioners jumped bail.

6. However, the learned counsel for the petitioners would submit that there are few blood relatives of the petitioners and they will stand surety for the petitioners. In such circumstances, this Court is of the view that it is appropriate to modify the bail condition in so far as the characters of the sureties to be furnished by the petitioners. Instead of surety immovable property stands in their name, the same shall be substituted as any blood relatives and cash deposit of Rs.20,000/- (Rupees Twenty Thousand only). The surety shall be furnished on or before 25.03.2022.

7. With the abovesaid modification, this Criminal Original Petition is partly allowed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

Gv/Vv

To

- 1.Special Judge-II,
Additional Special Court for Exclusive,
Trial of Cases under NDPS Act, Chennai.
- 2.The Inspector of Police,
NIBCID, Chennai.
- 3.The Public Prosecutor (Crl. Side),
High Court, Madras.

Crl.O.P.No.4935 of 2022

AK-II(CO)
RVM(17/03/2022)