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Crl.O.P.No.25706 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.25706 of 2022

Barath Kumar

... Petitioner

Vs.

State Rep by:

The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.

Crime No.426 of 2022

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C, praying to set aside the condition imposed in Crl.M.P.No.4478 of 2022 in Crl.M.P.No.4213 of 2022 on 23.09.2022 in Crime No.426 of 2022 on the file of the D-1, Triplicane Police Station, Chennai, the respondent herein in the above case.

For Petitioner : Mr.S.Apunu

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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ORDER

This petition has been filed to set aside the condition imposed in Crl.M.P.No.4478 of 2022 in Crl.M.P.No.4213 of 2022 on 23.09.2022 in Crime No.426 of 2022 on the file of the respondent police.

2. The learned counsel for the petitioner would submit that the petitioner is an accused in above crime number. He would also submit he was arrested on 25.06.2022 and thereafter, the petitioner was granted bail by the learned Principal Special Judge for EC & NDPS Act Cases, Chennai, in Crl.M.P.No.4213 of 2022 dated 06.09.2022. One of the condition imposed was as follows,

" That he shall execute a bond for Rs.10,000/- with two acceptable and reliable sureties for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai. One among the sureties must be a Government Surety."



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3. The learned counsel for the petitioner would further submit that the petitioner attempted to get a Government Surety and he is unable to get a Government Surety and he is in custody from 25.06.2022. Despite the bail being granted to the petitioner on 06.09.2022, the petitioner is unable to come out of bail. He would further submit that the petitioner has filed a petition for modification of bail condition imposed on the petitioner in Crl.M.P.No.4478 of 2022 in Crl.M.P.No.4213 of 2022 and the learned Principal Special Judge for EC & NDPS Act Cases by order dated 23.09.2022 was pleased to dismiss the petition. Further, he would submit that the petitioner is aged about 20 years and the petitioner is ready to execute the bond with two blood sureties. Hence, he seeks for modification of the condition.

4. In view of the above, the condition imposed by the trial Court is modified as follows:

"That the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two blood sureties each for a like sum to the



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satisfaction of the learned II Metropolitan Magistrate,
Egmore, Chennai. One among the sureties must be the
mother of the petitioner."

5. Accordingly, this Criminal Original Petition is allowed and
the other conditions imposed shall remain unaltered.

16.11.2022

sp

Note: Issue Order Copy on 17.11.2022.

To

- 1.The Special Judge for EC & NDPS Act Cases,
Chennai – 104.
- 2.The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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