



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27293 of 2022

Biswanath Mondal

...

Petitioner

versus

State by
Inspector of Police,
Manimangalam Police Station,
Kannchipuram District.
(Crime No.218 of 2022)

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to set aside the order in Crl.M.P.No.4630 of 2022 on 17.10.2022 and modify the condition imposed in Crl.M.P.No.3905 of 2022 dated 30.08.2022.

For Petitioner : Mr.S.Sankar

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



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ORDER

This Criminal Original Petition has been filed to set aside the order of the learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai, made in Crl.M.P.No.4630 of 2022 dated 17.10.2022.

2. The petitioner, who is an accused in Crime No.218 of 2022 on the file of the respondent police for the offences under Sections 8(c), 20(b)(ii)(A) of NDPS Act has been released on conditional bail on 30.08.2022 by the learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai. One of the conditions imposed by the Special Court is that “the petitioner shall execute a bond for Rs.10,000/- with two acceptable and reliable sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tambaram and one of such surety should be a Government servant.” The petitioner filed a petition in Crl.M.P.No.4630 of 2022 to modify the said condition as he was not able to find out a surety, who is working in the Government of Tamil Nadu. The said petition was dismissed on 17.10.2022. Aggrieved over that this petition has been filed.



3. The learned counsel for the petitioner submitted that the petitioner belongs to the State of West Bengal and hence, he is not able to produce a surety, who is working in the Government of Tamil Nadu. And because of the impractical condition, the petitioner is not able to make use of the bail order.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that since the petitioner belongs to other State, if reliable sureties are not furnished there is every chance that he would abscond even during investigation.

5. Since the offences for which the petitioner has been charged are serious in nature and if the petitioner jumps out of bail, it will be difficult to secure the accused. Hence the learned Principal Special Judge had imposed such a condition. Even if the petitioner is not able to furnish a surety, who is working in the Government of Tamil Nadu, he is at liberty to furnish one surety, who is working in the Government of West Bengal to the satisfaction of the learned Judicial Magistrate No.II, Tambaram. If such a



surety produced by the petitioner is satisfactory, the Judicial Magistrate No.II, Tambaram shall accept the same after due verification.

6. Thus, this Criminal Original Petition is allowed and the conditional bail order passed in Crl.M.P.No.3905 of 2022 dated 30.08.2022 issued to the petitioner is modified to the effect that “the petitioner shall furnish one surety, who is working in the Government of West Bengal to the satisfaction of the learned Judicial Magistrate No.II, Tambaram”. The other conditions shall remain unaltered.

09.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri



To

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- 1.The Judicial Magistrate No.II,
Tambaram.
- 2.The State by
Inspector of Police,
Manimangalam Police Station,
Kannchipuram District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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