



Crl.O.P.No.31592 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31592 of 2022

Kanthayi

... Petitioner

Vs.

State rep. by the Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.246 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., pleaded to modify the condition No.1 as the petitioner/accused should execute a bond for a sum of Rs.25,000/- with 2 sureties each like sum to the satisfaction of the learned Judicial Magistrate No.1, Salem, instead of the sureties should be Close relatives and they should produce necessary document to own a valuable property in C.M.P.No.1047 of 2022 on the file of the Special Judge for EC/NDPS Act Cases, Salem dated 08.10.2022.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to modify the condition imposed in No.1 by the learned Special Judge for EC/NDPS Act Cases, Salem in C.M.P.No.1047 of 2022 on 08.10.2022.

2.The learned counsel for the petitioner submitted that the petitioner was granted bail by the learned Special Judge for EC/NDPS Act Cases, Salem in C.M.P.No.1047 of 2022 on 08.10.2022. One of the condition imposed was as follows :

“the petitioner/accused should execute a bond for a sum of Rs.25,000/- with 2 sureties each like sum to the satisfaction of the learned Judicial Magistrate No.1, Salem, and the sureties should be Close relatives and they should produce necessary document to own a valuable property ”

3.The learned counsel for the petitioner would further submit that the petitioner is unable to produce two close relative surety and he is in custody from 06.08.2022. Despite the bail being granted to the petitioner on 08.10.2022, the petitioner is unable to come out of bail. Hence, he seeks for



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modification of the condition.

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

“that the petitioner/accused shall execute a bond for a sum of Rs.25,000/- with 2 sureties each like sum to the satisfaction of the learned Judicial Magistrate No.1, Salem.”

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

22.12.2022

Speaking Order/Non-speaking Order

Index :Yes/No

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To

- 1.The Special Judge for EC/NDPS Act Cases, Salem.
- 2.The Inspector of Police, Kitchipalayam Police Station, Salem District.
- 3.The Public Prosecutor, High Court of Madras.



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T.V.THAMILSELVI,J.

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