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CRL.O.P. No. 10397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. No.10397 of 2023

Amithkumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Jolarpet Railway Police Station,
Chennai Railway.
(Crime No.122/2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order in C.M.P.No.409 of 2023 dated 11.04.2023 on the file of the Special Judge for EC/NDPS Act cases, Salem and modify the condition imposed in CMP.No.1054 of 2022 dated 01.11.2022 on the file of the Special Judge for EC/NDPS Act cases to the petitioner as ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate-I, Salem and the sureties should be close relatives.

For Petitioner : Mr.T.Balaji

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



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ORDER

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This petition has been filed to challenge the order passed by the Special Judge for EC/NDPS Act cases, Salem in C.M.P.No.409 of 2023 vide order dated 11.04.2023 and to modify the condition imposed in CMP.No.1054 of 2022 vide order dated 01.11.2022 on the file of the Special Judge for EC/NDPS Act cases.

2. The petitioner was granted bail by the Special Judge for EC/NDPS Act cases, Salem, in C.M.P.No.1054 of 2023 vide order dated 01.11.2022 with condition that the petitioner should execute a bond for a sum of Rs.50,000/- with two sureties each like sum to the satisfaction of the learned Judicial Magistrate No.I, Salem and the sureties should be close relatives and they should produce necessary documents to own a valuable property along with some other conditions. Subsequently, the petitioner filed a petition for modification in C.M.P.No.409 of 2023 before the Special Judge for EC/NDPS Act cases. However it was dismissed vide order dated 11.04.2023.

3. The learned counsel for the petitioner would submit that the petitioner is ready to produce one local surety and one blood related surety with a bond for a sum of Rs.10,000/- and he is also ready to deposit a sum of Rs.50,000/-.



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4. Considering the submission made by the learned counsel for the petitioner, this Court inclined to modify the condition imposed by the Court below as follows:

(i) The petitioner/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, out of which one should be a blood surety and another one should be local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Salem.

(ii) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.122 of 2022.

(iii) The other conditions shall remain intact.

5. Accordingly, this Criminal Original Petition is allowed.

05.05.2023

Index : Yes/No

Internet : Yes

Speaking/non speaking order

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G.K.ILANTHIRAIYAN, J.

mpa

To

1. The Special Judge for EC/NDPS Act cases.
2. The Inspector of Police,
Jolarpet Railway Police Station,
Chennai Railway.
3. The Public Prosecutor,
High Court, Madras.

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