



Crl.O.P.No.12004 of 2023

Crl.M.P.No.9356 of 2023

in

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SATHI KUMAR SUKUMARA KURUP,J.

The Petitioner has filed this petition seeking to relax the conditions imposed by this Court in Crl.O.P.No.12004 of 2023 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.111 of 2023, on the file of the respondent police while granting bail.

2.Heard the learned Counsel appearing for the petitioner.

3.When the Petitioner moved bail, the Prosecution objected to grant bail stating that the Petitioner is hailing from Kerala and if he absconds, it is difficult to secure him. Still the Court considering the right of bail of the citizens of the country, enlarged the Petitioner on bail with a condition to furnish title deed of immovable property worth of Rs.2,00,000/- (Rupees Two Lakhs) and above either belonging to himself or any of his friends or relatives.



Crl.O.P.No.12004 of 2023

4.It is the contention of the Petitioner that the Petitioner is from a poor family and he is unable to furnish document of title deed from his relatives or friends worth about Rs.2,00,000/-. Therefore, the Petitioner had filed this Petition seeking to relax the condition regarding deposit of a document of title deed.

5.The Government Advocate (Crl. Side) was heard regarding his objection for the Petitioner/Accused seeking relaxation of the condition. The learned Government Advocate (Crl. Side) vehemently objected stating that if not the Petitioner, the Petitioner shall produce the document of title deed of his relative or friends in the interest of the Petitioner so that the Petitioner will be forced to comply the condition. If the condition is relaxed, it will amount to leaving the Accused scot free. When he leaves the territory of Tamil Nadu, it is difficult to secure him.

6.Considering the vehement objection of the learned Government Advocate (Crl. Side), the condition imposed on the Petitioner to produce the document either belonging to him or to his relatives and friends for the property worth not less than Rs.2,00,000/- cannot be relaxed. Further, it is to be noted that the properties in Kerala are worth crores of rupees.



Crl.O.P.No.12004 of 2023

Considering the position of the Petitioner only, a property worth of Rs.2,00,000/- was sought to be furnished. After obtaining an order, the attempt of the Petitioner not to comply with the condition cannot at all be viewed leniently considering the fact that he is an Accused in NDPS Act case, not an ordinary offence under I.P.C. Therefore, the same was insisted.

7.At this stage, the Petitioner had stated that he will abide by any stringent condition imposed by this Court. The Court has to balance the interest of the Prosecution as well as the Accused. Therefore, the Court had insisted the furnishing of document of title deed of the property belonging to either the Petitioner or any of his relatives or friends. Without seeking help from the well-wishers, relatives and friends expecting the Court to totally relax the condition is unacceptable. Hence, this Criminal Miscellaneous Petition is dismissed.

20.07.2023

vsn/srm



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SATHI KUMAR SUKUMARA KURUP.,J.

Vsn/srm

To

- 1.The Principal Special Judge,
Special Court for EC and NDPS Act,
Chennai – 600 104.
- 2.The Inspector of Police,
PEW- Triplicane Unit, Chennai
3. The Central Prison Puzal, Chennai
4. The Public Prosecutor,
High Court of Madras.

Crl.M.P.No.9356 of 2023

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