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Crl.O.P.No.16621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

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THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CRL.O.P. No.16621 of 2023

Biswajith Das

.. Petitioner

Vs.

The State Rep. by

The Inspector of Police,

R-5, Virugambakkam Police Station.

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. to modify the condition imposed by the Principal Special Court EC & NDPS Act, in Crl.M.P.No.3191 of 2023 the condition that he shall execute a bond for Rs.10,000/- with two acceptable and reliable sureties for a like sum. One among sureties shall be a Government servant to the satisfaction of the Learned XXIII Metropolitan Magistrate Saidapet.

For Petitioner : Mr.S.Palanivel

For Respondent: Mr.Leonard Arul Joseph Selvam

Government Advocate (Crl.side)

ORDER

This petition has been filed for modification of the condition imposed by the Principal Special Court under EC & NDPS Act Chennai, in Crl.M.P.No.3191 of 2023 dated 19.06.2023, to execute a bond for Rs.10,000/-



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along with two acceptable and reliable sureties like sum. One among sureties shall be a Government servant to the satisfaction of the Learned XXIII Metropolitan Magistrate Saidapet.

2. Learned counsel for the petitioner submitted that petitioner was granted bail in Crl.M.P.No.3191 of 2023 by the Principal Special Court under EC & NDPS Act Chennai. While granting bail, one of the conditions imposed was that “petitioner shall execute a bond for Rs.10,000/- along with two acceptable and reliable sureties for the like sum. One among sureties shall be a Government servant to the satisfaction of the learned XXIII Metropolitan Magistrate Saidapet”. Petitioner finds it difficult to secure a Government Servant to stand as a surety for the petitioner and therefore, this petition.

3. In the circumstances stated by the learned counsel for the petitioner, that petitioner is not able to get a Government servant as surety, this Court is inclined to modify the above said condition.

4. Accordingly, the condition imposed on the petitioner in Crl.M.P.No.3191 of 2023 dated 19.06.2023, i.e., that “he shall execute a bond for Rs.10,000/- with two acceptable and reliable sureties likesum. One among sureties shall be a Government servant, to the satisfaction of the Learned XXIII



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Metropolitan Magistrate Saidapet”, is hereby modified as follows:-

“that he shall execute a bond for Rs.10,000/- with two acceptable and reliable sureties like sum, preferably in close relatives. One among the sureties shall be from petitioner's native place, to the satisfaction of the Learned XXIII Metropolitan Magistrate Saidapet.”

Other conditions shall remain intact.

5. Accordingly, this Criminal Original Petition is ordered.

03.08.2023

Index : Yes/No

Internet : Yes

Speaking/non speaking order

mpl

Note: Issue order copy by today (03.08.2023)

To

1. The Principal Special Court under EC & NDPS Act,
Chennai.
2. The The Inspector of Police,
R-5, Virugambakkam Police Station.
3. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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