



WEB COPY



Criminal Original Petition No.20241 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20241 of 2023

Hitesh Bag

...Petitioner

Vs

The State rep by its
The Inspector of Police,
F-5, Pathirvedu Police Station.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the order passed by the Hon'ble Principal Special Court under Narcotics and Psychotropic Substances Act, Chennai in Crl.M.P.No.4083/2023 in Crl.M.P.No.5007/2022 in Crime No. 136/2022 dated 27.06.2023.

For Petitioner

: Mr.P.G.Perumalpandian



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For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking for modification of one of the condition imposed by the Court below while enlarging the petitioner on bail.

2. Heard Mr.P.G.Perumalpandian, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondent.

3. The petitioner was arrested and remanded to judicial custody by the respondent police on 25.08.2022 in the course of investigation in Crime No.136 of 2022. According to the prosecution, the petitioner was found in possession of 15 Kgs of Ganja. The petitioner filed a bail application in CrI MP.No.5007 of 2022 and the petitioner was enlarged on



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bail by an order dated 17.10.2022. While granting bail, the Court below imposed a condition to the effect that one of the surety must be a Government surety since the petitioner belongs to the State of Odisha..

4. The petitioner was not able to comply with this condition and hence, an application came to be filed in the year 2023 in CrI MP No.4083 of 2023, seeking for modification of the condition. The said application came to be dismissed by the Court below by order dated 27.06.2023. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5. The learned Additional Public Prosecutor on instructions submitted that there is no previous case against the petitioner and since the petitioner belongs to the State of Odisha, the Court below had imposed such a condition. The learned Additional Public Prosecutor further submitted that the condition can be modified to the effect that one of the surety can be a blood relative.



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8. This Criminal Original petition is disposed of in the above terms.

05.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1. The State rep by its
The Inspector of Police,
F-5, Pathirvedu Police Station.

2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH, J

rka/spp

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