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Crl.O.P.No.26824 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26824 of 2023

Nareshkumar

... Petitioner

-VS-

The State Represented by its,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
(Crime No.161 of 2023)

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order made in Crl.M.P. No.8005 of 2023 on 10.11.2023 by the learned Principal Special Court under EC & NDPS Act at Chennai and modified the Surety imposed in the bail petition by the Principal Special Court under EC & NDPS Act at Chennai in Crl.M.P. No.7466 of 2023 order dated 13.10.2023.

For Petitioner

: Mr.D.Padmanabhan

For Respondent

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

ORDER

The petitioner who has six previous cases for offences under IPC, out of which, one case is for offence under Section 302 IPC, was arrested for the alleged possession of 600 grams of Methaqualone psychotropic substance



which is a notified commercial quantity. The case under Sections 8(c) r/w 22(c) of the NDPS Act registered against him on 05.04.2023 in Cr.No.161 of 2023.

Even after lapse of 180 days, final report was not filed and therefore, the Court below considered the Application for bail filed by the petitioner and granted statutory bail under Section 167(2) Cr.P.C., imposing certain conditions on 13.10.2023.

2. The petitioner contending that the condition to execute a bond for Rs.25,000/- with two acceptable and reliable sureties to the satisfaction of the XV Metropolitan Magistrate, George Town, Chennai and both sureties must be having immovable properties standing in their own name supported with title documents and property tax receipt, besides one among them must be a Government Servant as onerous condition, sought for modification of the condition before the Special Court which has granted bail. The Special Court under EC & NDPS Act, declined to modify the condition taking note of the quantity of the contraband found in possession of the petitioner. Hence to set aside the order and modify the bail condition, the present Original Petition is filed.

3. The learned counsel for the petitioner submitted that being a default bail, condition imposed to furnish two sureties having immovable properties worth Rs.25,000/- and to deposit the title deed is onerous and no person is



ready to provide surety to the petitioner herein, in view of the said onerous condition. The learned counsel for the petitioner also states that the petitioner is ready to furnish blood surety and surety of a Government Servant which will satisfy, the requirement of securing the person during trial.

4. The learned Government Advocate submits that the antecedent of the petitioner who has involved in the multiple criminal cases including the murder case does not inspire confident to allow him to enjoy the bail without furnishing adequate surety.

5. Considering the submissions made by the learned counsel for the petitioner and the Government Advocate (Crl.Side), this Court is of the view that instead of two sureties having immovable properties standing in their own name worth about Rs.25,000/-, the condition may be modified as one surety of immovable property stands in his name worth Rs.25,000/- and the other surety being a Government Servant or Blood relative of the accused.

6. With this modification, this Criminal Original Petition is disposed of.

27.11.2023

Internet : Yes/No
Index : Yes/No
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To

- 1.The Principal Special Judge under EC & NDPS Act,
Chennai 104.
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court, Madras.

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