



Crl.M.P.No..414 of 2024 in Crl.O.P.No.12465 of 2023

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A.D.JAGADISH CHANDIRA, J.

This petition has been filed to modify the condition No.7 imposed upon the petitioner by this Court in Crl.O.P.No.12465 of 2023 dated 09.06.2023.

2. Learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 27.12.2022 in Crime No.212 of 2020 and he hails from poverty stricken family and the petitioner is in custody from 19.08.2021 in Crime No.36 of 2021 i.e.,for the past 2½ years and the quantity involved in this case is not commercial and while applying for bail, the petitioner had undertook that he was ready and willing to pay Rs.20,000/- to any welfare scheme and based on the said submission, this Court, while granting bail to the petitioner, had imposed a condition that “the petitioner is directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of RTGS/NEFT to the credit of “The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem” without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof,



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the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a likesum to the satisfaction of the learned Special Judge for EC/NDPS Act Cases, Salem”. He would further submit that despite the steps taken by the petitioner's family members, they are unable to raise an amount of Rs.20,000/- and thereby, the petitioner was unable to comply with the condition imposed by this Court in this case. Therefore, he seeks for modification of the condition imposed.

3. Learned Government Advocate (Criminal side) appearing for the respondent has no objection for the modification.

4. Considering the fact that the contraband seized from the petitioner is not a commercial quantity and the long period of incarceration and also the submission made by the learned counsel for the petitioner that despite the steps taken by the petitioner's family members, they are unable to raise an amount of Rs.20,000/-, the conditions in para Nos.7 and 7(b) of the order in Crl.O.P.No.12465 of 2023 dated 09.06.2023 alone are modified as follows:-



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7. The petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a likesum to the satisfaction of the learned Special Judge for EC/NDPS Act Cases, Salem.

[b] the petitioner shall report before the Special Judge for EC/NDPS Act Cases, Salem, at 10.30 a.m., on all working days until further orders."

5. It is made clear that the rest of the order shall remains unaltered.

6. With the above direction, this Criminal Miscellaneous Petition stands ordered.

11.01.2024

Note: Issue order copy today(11.01.2024)

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