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CRL O.P. No.22029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22029 of 2024

1. Jagadesh S/o. Krishnan
2. Vishal S/o. Thirupathi ... Petitioners
Vs

State rep. by:-

The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.
[Cr. No.476 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483(1)(b) of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to modify the condition imposed in the order dated 29.08.2024 in Crl. M.P. No.1128 of 2024 passed by the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem that "the petitioners / A1 & A3 shall execute a bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Vaniyambadi and the sureties should be parents or close relatives or friends and to prove the identity of the sureties, they



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should file a passport size photographs along with their Aadhar card or ration card or voter ID card.

For Petitioners : Mr. W. Camyles Gandhi

For Respondent : Mr. S. Santhosh
Government Advocate
[Criminal side]

ORDER

This petition has been filed seeking to modify the condition imposed in the order dated 29.08.2024 in CrI. M.P. No.1128 of 2024 passed by the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem.

2. The learned counsel appearing for the petitioner would contend that the petitioners/ A1 and A3 were arrested and remanded to judicial custody on 11.07.2024 in the above case in Cr. No.476 of 2024 for the alleged offences under Sections 8(c), 20(b)(ii)(B) of N.D.P.S. Act and they were released on conditional bail vide order dated 29.08.2024 passed in CrI. M.P. No.1128 of 2024 passed by the learned Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem. Now the petitioner has come forward with this application



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to modify one of the conditions that "the petitioners / A1 & A3 shall execute a bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Vaniyambadi and the sureties should be parents or close relatives or friends and to prove the identity of the sureties, they should file a passport size photographs along with their Aadhar card or ration card or voter ID card".

3. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that the petitioner was found in possession of 3 kgs of Ganja and hence he was arrested and remanded to judicial custody on 11.07.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(B) of N.D.P.S. Act. Therefore, this modification petition is liable to be dismissed.

4. Considering the submissions putforth on either side, considering the fact that the condition passed by the trial court that 'the sureties should be parents or close relatives or friends', is an onerous



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condition, I am inclined to modify the condition to the effect that **"the petitioners / A1 & A3 shall execute a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Vaniyambadi"**.

The other conditions imposed in the order dated 29.08.2024 in Crl. M.P. No.1128 of 2024 shall remain unaltered. Further, the Magistrate is hereby directed to follow the Rule 14 of Criminal Rules of Practice, while accepting the sureties.

5. Accordingly, the condition is **modified**.

10.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1.The Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem

2. The Judicial Magistrate Court, Vaniyambadi

3. The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.

4.The Public Prosecutor, High Court, Madras.

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P.DHANABAL,J

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