



CRL O.P. No.22044 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.22044 of 2024

Palanivel S/o. Arumugam ... Petitioner / Accused

No.1

Vs

State rep. by:-

The Inspector of Police,
PEW Tiruppur Police Station.
[Cr. No.50 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to modify the condition imposed in the order dated 20.03.2024 in Crl. M.P. No.804 of 2024 in paragraph No.5(1) passed by the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Coimbatore that "the petitioner / Accused is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of this Court and out of the two sureties, one surety must be close blood relative / parents / spouse of the



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petitioner / accused".

For Petitioner : Mr. S. Selvakumar

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 20.03.2024 in Crl. M.P. No.804 of 2024 passed by the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Coimbatore.

2. The learned counsel appearing for the petitioner would contend that the petitioner/accused was arrested and remanded to judicial custody on 19.01.2024 in the above case in Cr. No.50 of 2024 for the alleged offences under Sections 8(c), 20(b)(ii)(B) of N.D.P.S. Act and he was released on conditional bail vide order dated 20.03.2024 passed in Crl. M.P. No.804 of 2024 passed by the learned Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Coimbatore. Now the petitioner has come forward with this application to modify the condition in Paragraph 5(i) that "the petitioner / Accused is



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ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of this Court and out of the two sureties, one surety must be close blood relative / parents / spouse of the petitioner / accused".

3. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that the quantity of material involved in this case is 8.750 kgs of Ganja and the petitioner was arrested and remanded to judicial custody on 19.01.2024 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 'out of the two sureties, one surety must be close blood relative / parents / spouse of the petitioner / accused ', is an onerous condition, I am inclined to modify the condition in paragraph no.5(i) to the effect that **"the petitioner / accused shall execute a bond for a sum of Rs.10,000/-**



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[Rupees Ten Thousand only] with two sureties each for a like sum to

the satisfaction of this Court". The other conditions imposed in the order dated 20.03.2024 in Crl. M.P. No.804 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, Coimbatore.

2. The Inspector of Police,
PEW Tiruppur Police Station.

3.The Public Prosecutor, High Court, Madras.

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P.DHANABAL,J

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