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CRL O.P. No.22100 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.22100 of 2024

Arun Malik S/o. Adikonda Malik

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Arakkonam PEW Police Station,
Ranipet District.

... Respondent

[Cr. No.407 of 2024]

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 23.07.2024 in CrI. M.P. No.924 of 2024 passed by the Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act Cases, Salem that "the petitioner / accused shall execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of this Court 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



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with their Aadhar card or ration card or voter ID card.

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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 23.07.2024 in CrI. M.P. No.924 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 petitioner / accused was arrested and remanded to judicial custody on 17.05.2024 in the above case in Cr. No.407 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 23.07.2024 passed in CrI. M.P. No.924 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 to modify one of the conditions that "the petitioner / accused shall execute a bond for a



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sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of this Court 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 4 kgs of Ganja and hence he was arrested and remanded to judicial custody on 17.05.2024 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 condition, I am inclined to modify the condition imposed in Paragraph No.1 & 2 to the effect that **"the petitioner / accused shall execute a**



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bond for a sum of Rs.10,000/- [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 23.07.2024 in Crl. M.P.

No.924 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 Inspector of Police,
Arakkonam PEW Police Station,
Ranipet District.

3.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J

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