



Crl.O.P.No.28538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28538 of 2024

Mohammed Riswan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-1 Kattoor Police Station,
Coimbatore District.
(Crime No.153 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS Act, pleaded to set aside the order passed in Crl.M.P.No.3395 of 2024 in Crl.M.P.No.2341 of 2024 in Cr.No.153 of 2024 dated 23.10.2024 and relax the condition no.2 imposed on the petitioner in Crl.M.P.No.2341 of 2024 on the file of the Additional District Special Court for E.C. and NDPS Act, Coimbatore.

For Petitioner : Mr.T.I.Ramanathan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This petition has been filed to relax the condition No.2 imposed by



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the learned Additional District Special Court for E.C. and NDPS Act, Coimbatore in Crl.M.P.No.2341 of 2024 dated 06.08.2024.

2. Learned counsel appearing for the petitioner would submit that the petitioner was granted bail by the learned Additional District Judge/ presiding officer, Special Court for Essential Commodities Act Cases, Coimbatore in Crl.M.P.No.2341 of 2024 dated 06.08.2024 and one of the condition imposed was that the petitioner shall appear before the respondent Police daily at 10.00 a.m., until further orders. He would further submit that the petitioner was regularly appearing before the respondent Police and that due to his illness, he had been to his native place, hereby, he was unable to appear before the respondent police for a period of 5 days. Later, the petitioner has filed Crl.M.P.No.3395 of 2024, seeking for relaxation of condition and the learned Judge, taking note of the fact that the petitioner was absent for 5 days, had dismissed the petition for relaxation and challenging the same the present petition has been filed.

3. Learned Government Advocate (Crl.Side) appearing for the respondent while opposing for grant of relaxation petition would submit that



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petitioner was regularly appearing before the respondent police, excepting for a period of 5 days. He would further submit that investigation is still pending.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

5. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, the petitioner was unable to appear before the respondent police for 5 days on account of his illness, this Court is inclined to modify the condition to the effect that “the petitioner shall appear before the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore on the 1st working day of every month at 10.30 a.m., until further orders”. It is made clear that all other conditions remain unaltered.

6. With the above modification, this Criminal Original Petition stands modified.

14.11.2024

dsn



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A.D.JAGADISH CHANDIRA.,J.

dsn

To

1. The Additional District Judge/Presiding Officer,
Special Court for E.C. and NDPS Act,
Coimbatore.
2. The Inspector of Police,
C-1, Kattoor Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.

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