



Crl.O.P.No.30098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

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

Crl.O.P.No.30098 of 2024

Tutu Swain

... Petitioner

Vs.

The State represented by
The Inspector of Police,
NIB-CID, Chennai,
Crime No.4 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483(1)(c) of BNSS,, praying to modify the bail condition imposed on the petitioner in Crl.M.P.No.1944 of 2024 dated 20.03.2024.

For Petitioner : Mr.P.Sundara Rajan

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

ORDER

This Criminal Original Petition has been filed to modify the condition imposed in Crl.M.P.No.1944 of 2024 on the file of the Principal



Crl.O.P.No.30098 of 2024

Special Court under EC and NDPS Act, Chennai by its order dated 20.03.2024.

2. Learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 09.02.2024 for the offences under Section 8(c) r/w 20(b)(ii)(B), 29(1) of NDPS Act in Crime No.04 of 2024 and later, he was granted bail by the learned Principal Special Judge, Special Court under EC and NDPS Act, Chennai, in Crl.M.P.No.1944 of 2024 on 20.03.2024 with a condition to execute a bond for a sum of Rs.10,000/- with two acceptable and reliable sureties each for a like sum to the satisfaction of this Court. One among the surety is a Government surety. He further submitted that the petitioner is a native of Odisha and inspite of best efforts taken, no Government servants are ready to offer surety for him. Despite the bail being granted on 20.03.2024, the petitioner is still languishing in jail. He also submitted that the petitioner in alternate is ready to give blood related sureties and hence, he seeks for modification of the condition.

3. The learned Government Advocate (crl.side) submitted that the petitioner is a native of Odisha. Since it would be difficult to ensure the



Crl.O.P.No.30098 of 2024

presence of the petitioner before the concerned Court, the Court has imposed such a condition. He also submitted that the investigation has been completed.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

5. Taking into consideration the fact that the petitioner is a native of Odisha and that the appearance of the petitioner is required, the Court has imposed such a condition. Considering the period of incarceration and also the fact that no Government Servants are ready to stand as surety for the petitioner, this Court is inclined to modify the condition imposed on the petitioner by the learned Principal Special Judge, Principal Special Court under EC and NDPS Act, Chennai, in Crl.M.P.No.1944 of 2024 on 20.03.2024 to the effect that he shall execute a bond for a sum of Rs.10,000/- with two sureties, out of which, one must be a blood related surety of the petitioner. The other conditions shall remain intact.



Crl.O.P.No.30098 of 2024

WEB COPY

6. Accordingly, this Criminal Original petition is ordered.

03.12.2024

vkf

To

- 1.The Principal Special Judge,
Principal Special Court under EC and NDPS Act,
Chennai.
- 2.The Inspector of Police,
NIB-CID, Chennai,
Crime No.4 of 2024.
- 3.The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.30098 of 2024

A.D.JAGADISH CHANDIRA.J.,

Vkr

Crl.O.P.No.30098 of 2024

03.12.2024