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CrI.O.P.No.18346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.18346 of 2025

Karthik
S/o.Chenniyappan
Now presently at Remand Prisoner
Central Prison, Coimbatore District.

... Petitioner

Vs.

State Represented by
Inspector of Police,
Nallur Police Station,
Tiruppur District,
Crime No.816 of 2024.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to set aside the order in CrI.M.P.No.262 of 2025 dated 20.02.2025 and modify the bail condition imposed on released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Court in CrI.M.P.No.3768 of 2024 dated 18.12.2024 on the file of the Additional District Judge, Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and allow the present petition.

For Petitioner : Mr.R.Ganesh



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

ORDER

This Criminal Original Petition is filed to set aside the order dated 20.02.2025 made in Crl.M.P.No.262 of 2025 on the file of the learned Additional District Judge, Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

2. The petitioner/A2, who was arrested for the alleged offences punishable under Sections 8(c) read with 20(a)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.816 of 2024 on the file of the respondent-Police, was granted statutory bail by the learned Additional District Judge, Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore in Crl.M.P.No.3768 of 2024 dated 18.12.2024, on the following conditions :

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(i) The petitioner/accused No.2 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of this Court.

(ii) The petitioner on his release from prison, he shall



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report before the respondent police station daily at 10.00 a.m., until further orders. The petitioner is directed to appear before the respondent Police station as and when required for interrogation.

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety, further the sureties has to produce copy of their Aadhar card or any identification proof to ensure their identity.

(iv) The petitioner shall not commit any offences of similar nature; the petitioner shall not abscond during trial of the case and the petitioner shall not tamper with evidence or witness during trial.

(v) If the accused/petitioner thereafter abscond, a fresh FIR can be registered Section 229 A of IPC.

(vi) Further petitioner/accused shall produce his proof of identification and residential proof and recent photograph."

Subsequently, the petitioner filed a petition in CrI.M.P.No.262 of 2025 seeking to modify the earlier bail order dated 18.12.2024 in CrI.M.P.No.3768 of 2024 and release the petitioner on his own bond. However, the Court below dismissed the said petition. Aggrieved by the said order, the present petition has been filed by the petitioner/A2.

3. Learned counsel for the petitioner submitted that the



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petitioner/A2 is unable to mobilise the funds within the stipulated time.

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He has further submitted that as the relatives of the petitioner have not come forward to stand as sureties, he is not in the position to produce the sureties and deposit the amount within one month from the date of grant of bail by the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore. Hence, the petitioner filed the petition in CrI.M.P.No.262 of 2025 seeking to modify the earlier bail order and release him on his own bond, but the same was dismissed. Therefore, the petitioner is before this Court.

4. Learned Government Advocate (CrI.Side) appearing for the respondent-Police, on instructions, submitted that the respondent-Police had already completed the investigation in Crime No.816 of 2024 and final report has been filed through e-filing *vide* e-filing No.LTN 20220001495 C 202500468 on 17.04.2025 before the Special Court for Essential Commodities Act Cases, Coimbatore and the same is yet to be taken on file.

5. Taking into consideration the facts and circumstances of the case and also considering the submissions made by the counsel on either side,



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the conditions imposed by the learned Additional District Judge, Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, are hereby modified as follows :

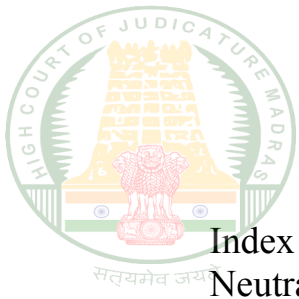
(i) The petitioner is directed to execute his own bond for a sum of Rs.5,000/- (Rupees Five Thousand only) before the Court below.

(ii) The petitioner shall appear before the respondent-Police daily at 10.30 a.m., till the final report is taken on file and thereafter, as per the directions of the Court below.

6. Since the charge sheet/final report has been filed, the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, is hereby directed to take the charge sheet/final report on file if it is otherwise in order and dispose of the case within a period of three months from the date on which the charge sheet/final report is taken on file.

7. With the above modification and directions, the Criminal Original Petition is allowed.

01.07.2025



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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
2. The Superintendent,
Central Prison, Coimbatore.
3. The Inspector of Police,
Nallur Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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