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Crl.O.P.No.24578 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24578 of 2024

Sheik Dawood

...Petitioner

Vs.

The State Rep. by
Sub Inspector of Police,
H1 Washermenpet Police Station,
Chennai.
Crime No.6 of 2024

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
C.C.No.779 of 2024 on the file of the Principal Special Court under EC &
NDPS Act, Chennai.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

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Today, 12.08.2025, the above matter is posted under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioner.

2.This Court, by order dated 28.11.2024 in CrI.O.P.No.24578 of 2024, granted interim bail to the petitioner for the period of four weeks and he was directed to surrender before the concerned Magistrate on 02.01.2025 along with certain conditions. One of the conditions was that, the petitioner was directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) into the credit of Crime No.6 of 2024 before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the petitioner was ordered to be released on interim bail for the period of four weeks till 02.01.2025 on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each, in which one surety must be a blood surety for a like sum to the satisfaction of the Principal Special Court for EC & NDPS Act, Chennai.



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3.Pursuant to the aforesaid order, the interim bail has been extended by this Court. Thereafter, this Court by order 05.08.2025, granted bail to the petitioner, viz., Sheik Dawood in Crl.O.P.No.24578 of 2024.

4.Learned counsel for the petitioner seeks modification of the order in paragraphs No.5 and 13 of the order in Crl.O.P.No.24578 of 2024 dated 05.08.2025.

5.In view of the above, paragraph No.5 of the order, dated 05.08.2025 in Crl.O.P.No.24578 of 2024 is modified as follows:

“5.The learned counsel further submitted that the petitioner while in the prison, underwent hernia surgery on 07.11.2024, discharged on 15.11.2024, later he developed pain and infection, again he got admitted on 22.11.2024 for further treatment. Since the petitioner's health condition became precarious, this Court by order dated 28.11.2024 in Crl.O.P.No.24578 of 2024 granted interim bail to continue his treatment. The petitioner's health condition deteriorating day by day and still he is under constant medical care. The medical report of the petitioner dated 19.04.2025 would confirm petitioner got admitted in Orthomed Hospital on



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14.04.2025, underwent surgery on 15.04.2025 and discharged on 20.04.2025. In this case, now investigation completed, charge sheet filed and the trial is in progress. At this stage, the petitioner needs to engage a counsel of his choice and instruct the counsel to effectively defend his case.”

6.Considering the submission made by the learned counsel for the petitioner that the petitioner already executed bond and produced sureties when he was granted interim bail, the same bond and sureties can be accepted and continued, this Court modifies the paragraph No.13 of the order, dated 05.08.2025 in Crl.O.P.No.24578 of 2024 which is as follows:

“13.Accordingly, the petitioner is ordered to be released on bail on the bond and sureties already executed while granting interim bail along with his following conditions:

[a]the petitioner shall appear before the trial Court on all hearing dates without fail.

[b]the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[c]the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;



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[d]the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[e]On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.”

7.Registry is directed to carry out the necessary corrections and issue a fresh order copy to both parties.

12.08.2025

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M.NIRMAL KUMAR, J.

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