
(2011) 09 DEL CK 0076

In the Delhi High Court

Case No : Criminal M.C. No. 3264 of 2011

Bitoren Dolores Fernades

APPELLANT

Vs

Director of Revenue Intelligence

RESPONDENT

Date of Decision : 28-09-2011

Acts Referred:

Citation : (2011) 09 DEL CK 0076

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Rahul Tyagi, for the Appellant; Satish Aggarwala, for the Respondent

Final Decision : Dismissed

Judgement

Suresh Kait, J.

Crl. M.A. No. 11615/2011(exemption)

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

Crl. M.C. No. 3264/2011

1. Issue notice.

2. Mr. Satish Aggarwala, Learned Counsel for Respondent accepts notice.

3. Vide the instant petition, Petitioner has prayed as under:

(a) Modify the bail order dated 24.08.2011 passed by the learned Special Judge for N.D.P.S. Cases, Patiala House, New Delhi in S.C. No. 39A/2008 tilted as DRI v. Bitoren Dolores Fernandes and Anr. to the extent allowing the accused/applicant to deposit a sum of Rs. 50,000/- in the form of cash bond in lieu of a sureties.

4. Learned Counsel for the Petitioner submits that the Petitioner is a Philippines

national and this Court vide order dated 16.09.2011, directed the Jail authorities to release her on bail on furnishing a personal bond in the sum of Rs. 50,000/- with two sureties of the like amount.

5. Ld counsel for the Petitioner submits that learned Special Judge for NDPS cases, Patiala House Courts, New Delhi, rejected the plea of the Petitioner to release her on depositing the cash amount in lieu of two sureties of Rs. 50,000/- each.

6. Learned Counsel for the Petitioner further submits that the order passed by the learned Special Judge for NDPS Cases was challenged by the Respondent - DRI before this Court and vide order dated 16.09.2011, the petition of the Respondent was dismissed.

7. The Petitioner is in difficulty because she is a foreign national and for the last more than 02 years and 09 months she remained in custody, therefore, she does not have any friends in India, therefore, she is unable to furnish two sureties, as was directed vide order dated 24.08.2011, by the Trial Court.

8. In these circumstances, I modify the order dated 24.08.2011 passed by learned Special Judge to the extent that the Petitioner shall be released on her furnishing a personal bond in the sum of Rs. 50,000/- and the amount of two sureties i.e. Rs. 1.00 lac shall be deposited in cash with the learned Trial Court.

9. Accordingly, Criminal M.C. No. 3264/2011 stands allowed and disposed of.

10. Copy of this order be sent to Superintendent, Tihar Jail, New Delhi.