

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.10.2017
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.21499 of 2017

Mahadevan

..Petitioner /
Accused-3

Vs.

State rep. by
The Deputy Superintendent of Police,
Economic Offence Wing-II,
(Headquarters),
Guindy, Chennai-600 032.
(Crime No.1/2015)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition that the petitioner must deposit sum of Rs.2 Crores in to the credit of Crime No.1 of 2015 to deposit a sum of Rs.5 Lakhs imposed in Crl.M.P.No.1095 of 2017 in the order dated 22.08.2017 on the file of the Special Court under TNPID Act, Chennai.

For Petitioner : Mr.T.Muruganantham
For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor.

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.1 of 2015 was granted bail on pre-condition to deposit a sum of Rs.2 Crores(Rupees Two Crores) by the learned Special Judge, Special Court under TNPID Act, Chennai on 22.08.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.T.Muruganantham, learned counsel appearing for the petitioner and Mr.P.Govindarajan, learned Additional Public Prosecutor appearing for the respondent.

3.This Court had an occasion to deal with the validity of onerous conditions being passed while granting orders of bail or anticipatory bail or release of vehicles in Thiruvasagam Vs. State rep. by the Inspector of Police, B1, North Beach Police Station, Chennai-600 001 in Crl.O.P.No.20483 of 2017 dated 05.10.2017. By relying on various judgments of the Hon'ble Supreme Court as well as this Court, it was held therein that the Courts are not empowered to impose onerous conditions. Following the rationale laid down in the various orders of the Hon'ble Supreme Court, the onerous condition came to be modified

in the said order.

4.I am of the view that the present condition imposed by the trial Court is a similar onerous condition and in view of the stand taken in the aforesaid order, the present petition seeking for modification also requires consideration.

5.In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in CrI.M.P.No.1095 of 2017 by its order dated 22.08.2017 directing the petitioner to deposit a sum of Rs.2,00,00,000/- (Rupees Two Crores) shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.2,00,00,000/- (Rupees two crores only) instead of depositing a sum of Rs.2,00,00,000/-.

All other conditions imposed in the order dated 22.08.2017 in CrI.M.P.No.1095 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Special Judge,
Special Court under TNPID Act,
Chennai.

2.The Deputy Superintendent of Police,
Economic Offence Wing-II,
(Headquarters),
Guindy, Chennai-600 032.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.T.Muruganathan Advocate sr 75100

CrI.O.P.No.21499 of 2017

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