

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.O.P.No.21504 of 2017

1.P.Murugesan

2.Jayaseelan

... Petitioners

Vs.

1. State rep. by
Inspector of Police,
Central Crime Branch, EDF-II,
Team IV, Vepery,
Chennai.

2. P.A.Paramasivam

... Respondents

(Impleaded as per order dated 25.10.2017
in CrI.M.P.13028 of 2017)

Prayer: Criminal Original Petition filed under Section 482
Cr.P.C. to modify the order dated 05.10.2017, made in CrI.M.P.
No.14905 of 2017, on the file of the Hon'ble Court of Sessions
at Chennai.

For Petitioner : Mr.O.S.Thilak Pasumpadiar

For Respondent No.1 : Mr.P.Govindarajan,
Additional Public Prosecutor

For Respondent No.2 : Mr.R.C.Paul Kanagaraj

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O R D E R

Petitioners, who have been arrayed as an accused in Crime
No.281 of 2017 was granted anticipatory bail on pre-condition to
deposit a sum of Rs.10,00,000/- each by the learned Principal
Sessions Judge, Chennai on 05.10.2017. Seeking to modify the
same, the present petition had been filed.

2.Heard Mr.O.S.Thilak Pasumpadiar, learned counsel appearing
for the petitioners and Mr.P.Govindarajan, learned Additional

Public Prosecutor appearing for the first respondent and Mr.R.C.Paul Kanagaraj, learned counsel for the second 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 petitioners in Crl.M.P.No.14905 of 2017 by its order dated 05.10.2017 directing the petitioners to deposit a sum of Rs.10,00,000/- each shall stand modified as follows:

"the petitioners shall execute a bond of undertaking to the tune of Rs.10,00,000/- each instead of depositing a sum of Rs.10,00,000/-.

All other conditions imposed in the order dated 05.10.2017 in Crl.M.P.No.14905 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS V)

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gv/rkp

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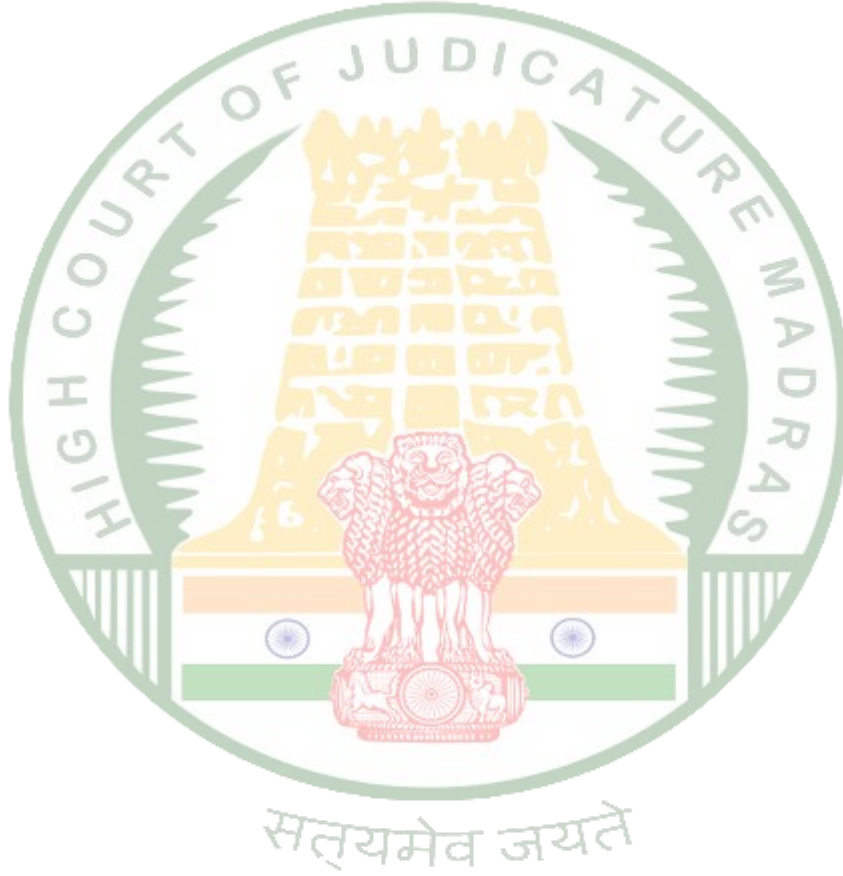
1. The Principal Sessions Judge,
Chennai.
2. The Inspector of Police,
Central Crime Branch, EDF-II,
Team IV, Vepery, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.C.Paul Kanagaraj, Advocate, S.R.No.75247
+1cc to Mr.O.S.Thilak Pasumpadiar, Advocate, S.R.No.75213

CrI.O.P.No.21504 of 2017

CS V
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