

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.22161 of 2017

M.Sandeep Bothra

... Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch Team XIX,
Egmore, Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner to stay at Villupuram and appear before the Judicial Magistrate No.1 at Villupuram daily at 10.30 a.m., until further orders, in Crl.M.P.No.14221 of 2017 dated 22.09.2017 on the file of this Court.

For Petitioner : Mr.X.Gerald

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused Crime No.277 of 2017 was granted anticipatory bail on pre-condition to execute a bond for a sum of Rs.10,000/- by the learned Principal Sessions Judge, Chennai on 22.09.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.X.Gerald, 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.I do not find any justification why the petitioner should be made to stay at Villupuram and report before the concerned Judicial Magistrate. Since the case is now pending before the respondent herein, this court is inclined to modify condition (iii) alone.

6.In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in Crl.M.P.No.14221 of 2017 by its order dated 22.09.2017 directing the petitioner to stay at Villupuram and appear before the Judicial Magistrate, No.1 daily at 10.30 a.m., until further orders shall stand modified as follows:

"the petitioner shall report before the respondent herein daily at 10.30 a.m., for a period of one week and thereafter as and when required."

All other conditions imposed in the order dated 22.09.2017 in Crl.M.P.No.14221 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gv/bri

To

1. The Principal Sessions Judge,
Chennai.
2. The Judicial Magistrate No.I,
Villupuram.

3. The Inspector of Police,
Central Crime Branch Team XIX,
Egmore, Chennai.

4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.22161 of 2017

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CA(14/11/2017)



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