

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.10.2017
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.22213 of 2017

1.Nagaraj

2.N.Bharathi

3.N.Veni ..Petitioners /Accused
Vs.

State rep. by
The Inspector of Police,
M-1 Periyanaickenpalayam Police Station,
Coimbatore.
(Cr. No:393/2017) ...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed in the order dated 10.10.2017 made in Crl.M.P. No.2443 of 2017, on the file of the Principal District and Sessions Judge, Coimbatore.

For Petitioners : Mr.N.Anand Venkatesh
For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

O R D E R

The petitioners, who have been arrayed as an accused in Crime No.393 of 2017 was granted anticipatory bail on pre-condition to execute a bond for a sum of Rs.10,000/- each by the learned Principal District & Sessions Judge, Coimbatore on 10.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.N.Anand Venkatesh, learned counsel appearing for the petitioners 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 appear before the Inspector of Police, Virudhunagar Bazaar Police Station, daily at 10.00 am until further orders. 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 CrI.M.P.No.2443 of 2017 by its order dated 10.10.2017 directing the petitioner to appear before the Inspector of Police, Virudhunagar Bazaar Police Station, daily at 10.00 am 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 10.10.2017 in CrI.M.P.No.2443 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

gv
To

- 1.The Principal District & Sessions Judge,
Coimbatore.
- 2.The Inspector of Police,
M-1 Periyanaickenpalayam Police Station,
Coimbatore.

3.The Inspector of Police
Virudhanagar bazaar Police Station
Virudhanagar

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Anand Venkatesh Advocate sr 76115

Cr1.O.P.No.22213 of 2017

rj(co)
aa15/11/2017



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