

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 22781 of 2017

Mohana Sundaram

..Petitioner/Accused

Vs.

State rep. by
The Inspector of Police (Crime)
C.C.B-1, Chennai
(Crime No. 313 of 2017)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed in Crl.M.P. No. 15588 of 2017 dated 12.10.2017 by the Principal Sessions Judge, Chennai, insofar as in respect of depositing Rs.1,00,000/- in Crime No. 313/2017 on the file of the respondent.

For Petitioner : Mr.C.V.Kumar
For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

O R D E R

The prayer in the present petition is to modify the conditions imposed in Crl.M.P. No. 15588 of 2017 dated 12.10.2017 by the Principal Sessions Judge, Chennai, insofar as in respect of depositing Rs.1,00,000/- in Crime No. 313/2017 on the file of the respondent.

2.Heard Mr.C.V.Kumar, learned counsel for the petitioner as well as Mr.P.Govindarajan, learned Additional Public Prosecutor 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.15588 of 2017 by its order dated 12.10.2017 directing the petitioner to deposit a sum of Rs.1,00,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.1,00,000/- instead of depositing a sum of Rs.1,00,000/-.

All other conditions imposed in the order dated 12.10.2017 in CrI.M.P.No.15588 of 2017 shall remain intact.

Consequently, the petitioner is directed to surrender before the learned Metropolitan Magistrate for exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Chennai, within one week from the date of receipt of a copy of this Order.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

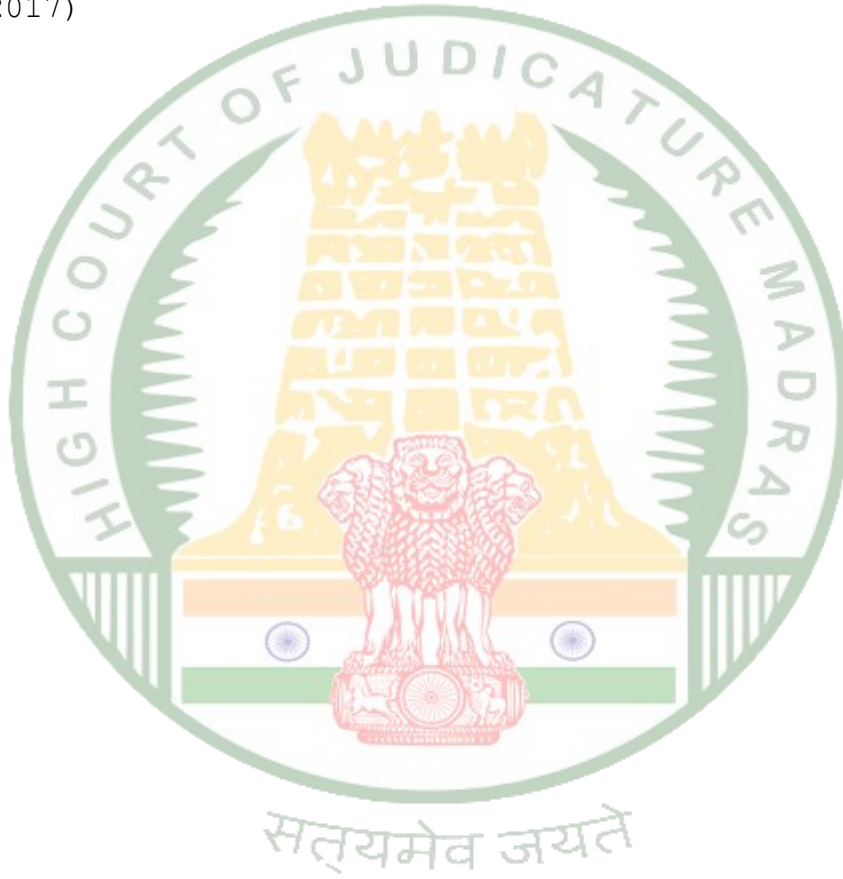
1. The Principal Sessions Judge,
Chennai.
2. The Metropolitan Magistrate for exclusive trial
of CCB Cases (relating to Cheating cases in Chennai)
and CBCID Metro Cases, Chennai,
3. The Inspector of Police (Crime)
C.C.B-1, Chennai

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C.V.Kumar, Advocate sr 76026.

Cr1.O.P.No.22781 of 2017

SP(31/10/2017)



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