

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.22928 of 2017

Veerendra Prasath

..Petitioner

Vs.

The State rep. by
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.

...Respondent

(The name of the petitioner has been
amended as above from Virendra Pratab
as per the order made in memo in
USR.No.4985 of 2017 dated 31.10.2017)

Prayer: Criminal Original Petition filed under Section 482
Cr.P.C. to modify the conditions imposed by the learned
Principal Sessions Court, Chennai in Crl.M.P.No.15928 of 2017
order dated 20.10.2017.

For Petitioner : Mr.M.Raja Gopalakrishnan
For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime
No.1377 of 2017 was granted bail on pre-condition to deposit a
sum of Rs.1,00,000/- (Rupees one lakh only) by the learned
Principal Sessions Judge, Chennai on 20.10.2017. Seeking to
modify the same, the present petition has been filed.

2.Heard Mr.M.Raja Gopalakrishnan, learned counsel appearing
for the petitioner and Mr.C.Iyyapparaj, 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 Thiruvassagam 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 Crl.M.P.No.15928 of 2017 by its order dated 20.10.2017 directing the petitioner to deposit a sum of Rs.1,00,000/- shall stand modified as follows:

- i) "The petitioner is ordered to be released on bail on his executing a bond for a sum of Rs. 10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai.
- ii) The petitioner shall execute a bond of undertaking to the tune of Rs.1,00,000/- (Rupees one lakh only) instead of depositing a sum of Rs.1,00,000/-."
- iii)

All other conditions imposed in the order dated 20.10.2017 in Crl.M.P.No.15928 of 2017 shall remain intact.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1.The Presiding Officer,
The Principal Sessions Court,
Chennai.

2.The V Metropolitan Magistrate Chennai

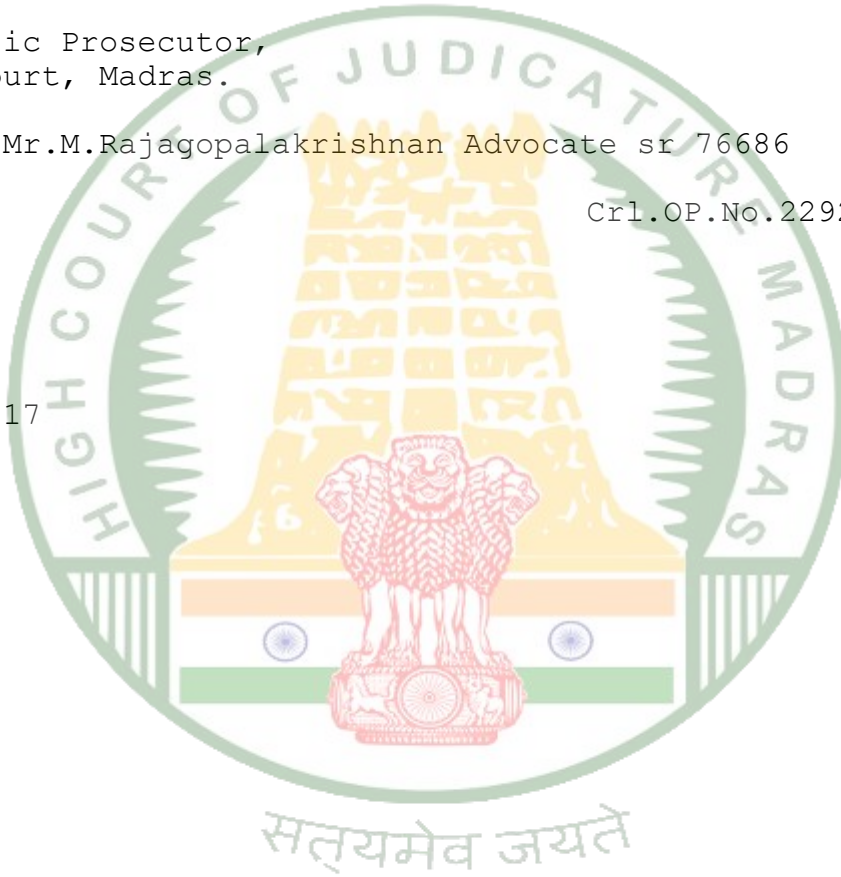
3.The Inspector of Police,
K-3, Aminjikarai Police Staion,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+3 ccs to Mr.M.Rajagopalakrishnan Advocate sr 76686

Cr1.OP.No.22928 of 2017

sj(co)
aa01/11/2017



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