

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.23343 of 2017

1.Yeswanthraj
2.Praveenkumar

... Petitioners/Accused
1 & 2

Vs.

State rep. by
The Inspector of Police,
K-5, Peravallur Police Station,
Chennai.
(Crime No.1078 of 2017)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed in Crl.M.P.No.16048 of 2017 dated 23.10.2017 by the Court of Session at Chennai, in so far as in respect of depositing Rs.25,000/- pending investigation in Crime No.1078 of 2017 on the file of the respondent.

For Petitioners : Mr.M.Manimaran

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

The petitioners, who have been arrayed as an accused in Crime No.1078 of 2017 was granted ***bail** on pre-condition to deposit a sum of Rs.25,000/- by the learned Sessions Court, Chennai on 23.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.M.Manimaran, learned counsel appearing for the petitioners 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 Thiruvvasagam 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.16048 of 2017 by its order dated 23.10.2017 directing the petitioners to deposit a sum of Rs.25,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.25,000/- instead of depositing a sum of Rs.25,000/-.

All other conditions imposed in the order dated 23.10.2017 in Crl.M.P.No.16048 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CO)

***Corrected as per order
of this court dated 14.11.2017
and made herein Crl.OP No.23343/17
-s/d-
Assistant Registrar(CSV)
dt 14/11/2017**

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

bri/dpq

To

- 1.The Session Judge,
Chennai.
- 2.The Inspector of Police,
K-5, Peravallur Police Station,
Chennai.

To be Substituted to the order
already despatched on 09.11.2017

3.The V Metropolitan Magistrate,
Allikulam, Chennai.

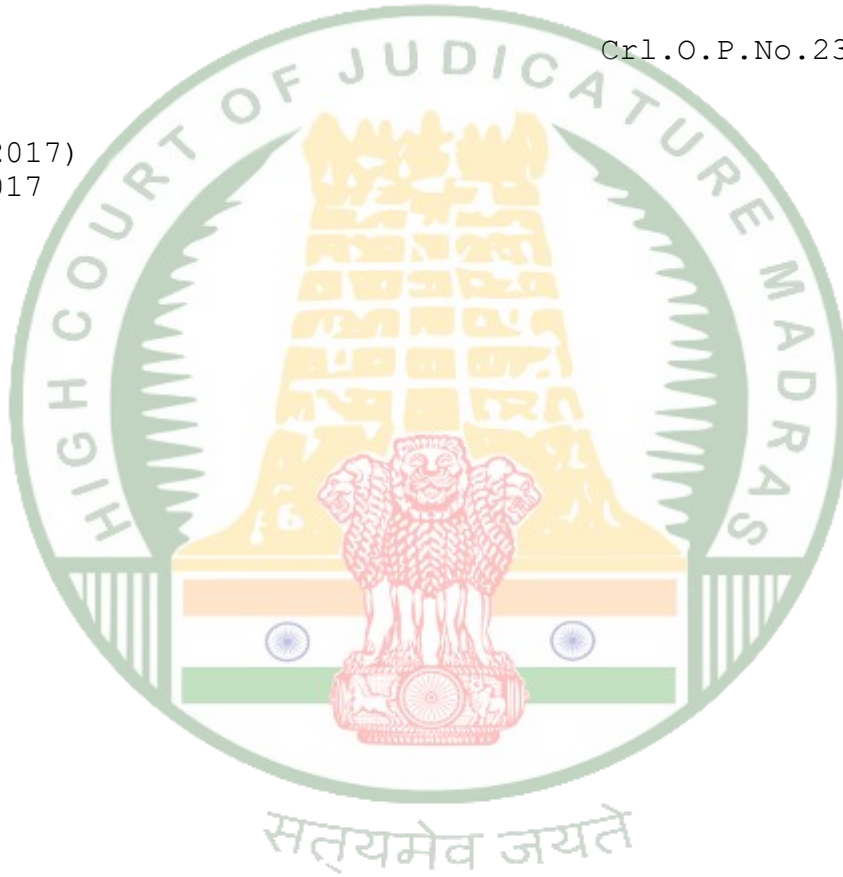
4.The Superintendent,
Central Prison,
Puzhal, Chennai.

5.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Manimaran, Advocate, S.R.No.*80730

CrI.O.P.No.23343 of 2017

NMI (CO)
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