

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

Crl.OP No.23556 of 2017

M.Venkatesh

..Petitioner

Vs

State rep. by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1)(b) Cr.P.C., to modify the condition No.1 that the petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties each for the like sum. The Sureties shall be a owner of movable or immovable property worth more than Rs.5,00,000/- and shall furnish necessary documents, passed by the Learned V Metropolitan Magistrate, Egmore dated 07.03.2017.

For Petitioner

:Mr.M.Madhan Kumar

For Respondent

:Mr.C.Iyyapparaj
Additional Public Prosecutor.

ORDER

The prayer sought for the present petition is to modify the condition No.1 that the petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties each for the like sum. The Sureties shall be a owner of movable or immovable property worth more than Rs.5,00,000/- and shall furnish necessary documents, passed by the Learned V Metropolitan Magistrate, Egmore dated 07.03.2017.

2. Heard Mr.M.Madhan Kumar, 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 CrI.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 sentence that the sureties shall be a owner of movable or immovable property worth more than Rs.5,00,000/- and shall furnish necessary documents, in clause-I of the order passed by the Learned V Metropolitan Magistrate, Egmore in CrI.M.P.No.621 of 2017 dated 07.03.2017 is deleted. All the other observations and conditions made in the said order dated 07.03.2017 in CrI.M.P.No.621 of 2017 shall remain intact.

With the above observations, the Criminal Original Petition is allowed.

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Index : Yes/No

nmm/ak

NOTE: Issue order copy on 17.11.2017

M.S.RAMESH.J,

nmm

To

- 1.The Learned V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
P-6, Kodungaiyur Police Station, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



CRL.O.P.No.23556 of 2017

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M.S.RAMESH. J.,

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