

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.23865 of 2017

1.K.Bhuvaneswari

... Petitioner

Vs.

State rep. by
Inspector of Police,
H-3, Tondiarpet Police Station,
Tondiarpet,
Chennai 600 081.
Cr.No.1624/2017

.... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition that "the petitioner is ordered to be released on bail on her executing a bond for Rs.10,000/- with two sureties for a likesum to the satisfaction of the said Magistrate" and "the petitioner shall also deposit a sum of Rs.2,00,000/- to the credit of Cr.No.1624/2017 before the said court and the final order in respect of the amount will be passed at the end of Criminal Proceedings by the Trial Court" to "the petitioner is ordered to be released on bail on her executing a bond for Rs.10,000/- with two sureties for a likesum to the satisfaction of the said Magistrate".

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

Petitioner, who has been arrayed as an accused in Crime No.1624 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.2,00,000/- to the Credit of Cr.No.1624/2017 before the learned Principal Sessions Judge, Chennai on 23.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.G.Mohana Krishnan, 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 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 clause (iii) in Crl.M.P.No.16078 of 2017 by its order dated 23.10.2017 directing the petitioner to deposit a sum of Rs.2,00,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.2,00,000/- instead of depositing a sum of Rs.2,00,000/-.

All other conditions imposed in the order dated 23.10.2017 in Cr.No.1624/2017 in Crl.M.P.No.16078 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gv/rkp

To

1. The Inspector of Police,
H-3, Tondiarpet Police Station,
Tondiarpet, Chennai 600 081.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Mohanakrishnan, Advocate, S.R.No.80080

Crl.O.P.No.23865 of 2017

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