

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.24153 of 2017

V.Jayamurthy

..Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
K8 Arumbakkam Police Station,
Chennai.
(Crime No.966/2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner in M.P. No. 2908 of 2017 in K8 Arumbakkam Police Station, Chennai in Crime No. 966 of 2017 dated 01.08.2017 in condition No.1 to the effect that of Rs.30,000/- with one surety instead of Rs.2,00,000/- with two sureties.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No. 966 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.2,00,000/- with two sureties each for the like sum by the learned V Metropolitan Magistrate, Egmore, Chennai on 01.08.2017. Seeking to modify the same, the present petition had been filed.

2.Heard T.S.N.Prabhakaran, learned counsel appearing for the petitioner and Mr.C.Iyyappa Raj, 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 petitioner in Crl.M.P.No.2908 of 2017 by its order dated 01.08.2017 directing the petitioner to deposit a sum of Rs.2,00,000/- with two sureties each for the like sum, 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/- with two sureties each for the like sum."

All other conditions imposed in the order dated 01.08.2017 in Crl.M.P.No.2908 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1.The V Metropolitan Magistrate,
Egmore,
Chennai.

2.The Inspector of Police,
K8 Arumbakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.S.N.Prabhakaran, Advocate, S.R.No.79677

Crl.O.P.No.24153 of 2017

SSI (CO)
RRK (11/12/2017)



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