

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.24334 of 2017

P.Gopi

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.1377 of 2017)

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., r/w 482 Cr.P.C. to modify the condition that "executing a bond for Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the said Magistrate, Chennai and the petitioner shall deposit a sum of Rs.50,000/- to the credit of Crime No. 1377 of 2017 before the said Court and the final order in respect of the amount will be passed at the end of the criminal proceedings by the trial Court" to "The petitioner is order to be released on bail executing a bond for Rs.10,000/- each with two sureties for a like sum to the satisfaction of the said Magistrate, Chennai".

For Petitioner : Mr.G.Mohanakrishnan

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.1337 of 2017 was granted bail on pre-condition to deposit a sum of Rs.50,000/- by the learned Principal Sessions Judge, Chennai on 07.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.G.Mohanakrishnan, 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 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.Nos.16921 of 2017 & 17122 of 2017 by its order dated 07.11.2017 directing the petitioner to deposit a sum of Rs.50,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.50,000/- (Rupees fifty thousand only) instead of depositing a sum of Rs.50,000/-.

All other conditions imposed in the order dated 11.10.2017 in Crl.M.P.Nos.16921 of 2017 & 17122 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rts

To

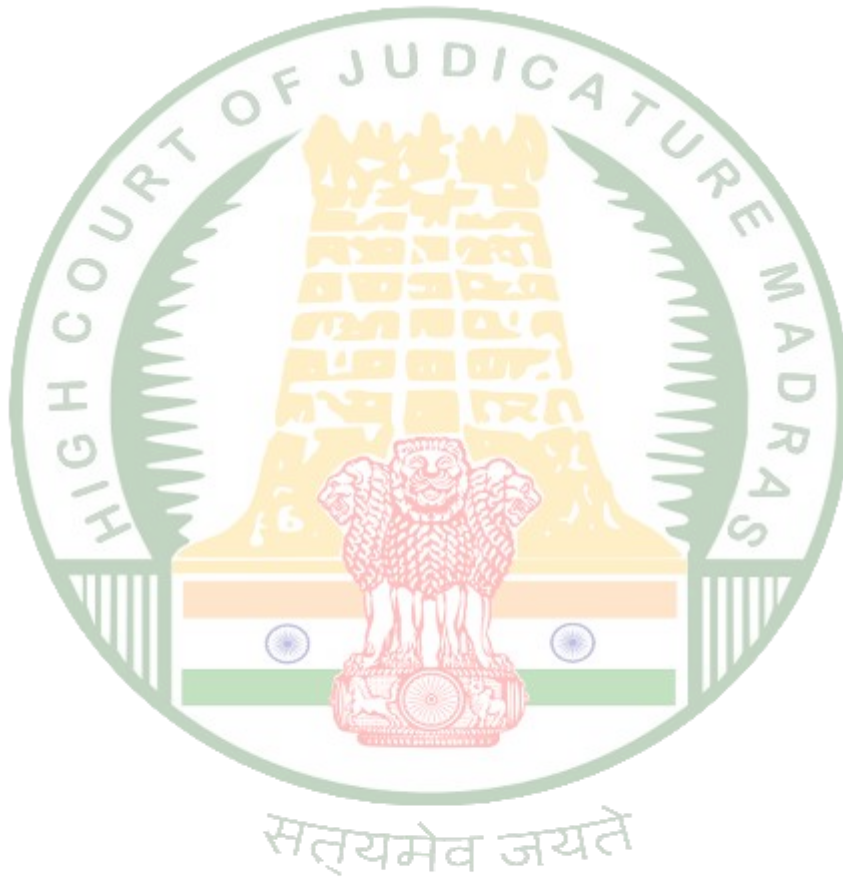
1. The Presiding Officer,
The Principal Sessions Court, Chennai.
2. The Presiding Officer,
XV Metropolitan Magistrate, Chennai
3. The Inspector of Police,
H-6, R.K.Nagar Police Staion,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Mohanakrishnan, Advocate, S.R.No.80072

Crl.O.P.No.24334 of 2017

CP(CO)
CA(14/11/2017)



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