

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.24552 of 2017

Mukunchand Bothra

... Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
Team XIX, Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the bail conditions, i.e., (ii) (iii) and (iv) conditions in the Sessions Court order in CrI.M.P.No.17162 of 2017 dated 08.10.2017.

For Petitioner : Mr.X.Gerard

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.277 of 2017 was granted bail on pre-condition to deposit a sum of Rs.5,00,000/- by the learned Principal Sessions Judge, Chennai on 08.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.X.Gerard, 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 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 Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in CrI.M.P.No.17162 of 2017 by its order dated 08.10.2017 directing the petitioner to deposit a sum of Rs.5,00,000/- shall stand modified as follows:

" (i) the condition that one of the sureties must be a government servant is deleted.

(ii) the petitioner shall execute a bond of undertaking to the tune of Rs.5,00,000/- (Rupees five lakhs only) instead of depositing a sum of Rs.5,00,000/-.

All other conditions imposed in the order dated 08.10.2017 in CrI.M.P.No.17162 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rts

To

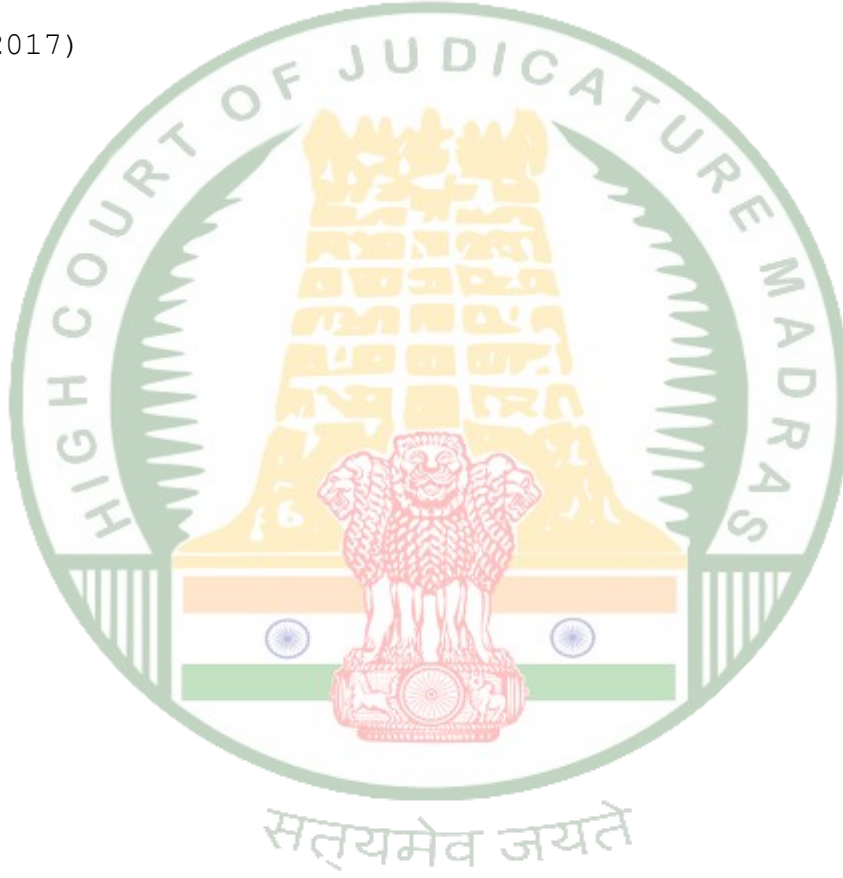
1. The Presiding Officer,
Principal Sessions Judge, Chennai.
2. The Presiding Officer,
The Metropolitan Magistrate for
Exclusive Trial of CCB cases,
CBCID Metro Cases, Chennai.
3. The Inspector of Police,
Central Crime Branch,
Team XIX, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.X.Gerard, Advocate, S.R.No.31276

CrI.O.P.No.24552 of 2017

CP (CO)
GN (16/11/2017)



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