

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 24843 of 2017

K.Silambarasan

..Petitioner

Vs

State rep. By
The Inspector of Police,
District Crime Branch
Perambalur District.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the bail condition imposed by the learned Principal District and Sessions Judge, Perambalur in Memo in Crl.MP. No.296 of 2016.

For Petitioner : Mr.C.D.Johnson
For Respondent : Mr. C. Iyyappa Raj, APP
O R D E R

The petitioner, who had been arrayed as first accused in Crime No. 05 of 2016 was granted bail on pre-condition to deposit a sum of Rs.2,50,000/- by the learned Principal District and Sessions Judge, Perambalur on the basis of Memo in Crl.MP. No.296 of 2016. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.C.D. Johnson, 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 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 onerous condition imposed by the learned Principal District and Sessions Judge, Perambalur in Crl.MP. No. 296 of 2016 by order dated 22.04.2016 to deposit a sum of Rs.2,00,000/- shall stand deleted. Likewise, the other condition to deposit original immovable property title deeds for an amount of not less than Rs.10,00,000/- shall also stand deleted and modified as follows;

"The petitioner shall be ordered to be released on bail by executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Perambalur. He shall also report before the respondent police daily at 10.00A.M for a period of one month and thereafter as and when required."

6. In view of the above order, the subsequent order dated 25.04.2016 by the learned Principal District and Sessions Judge, Perambalur on the basis of Memo in Crl.MP. No. 296 of 2016 is set aside. The Criminal Original Petition is allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

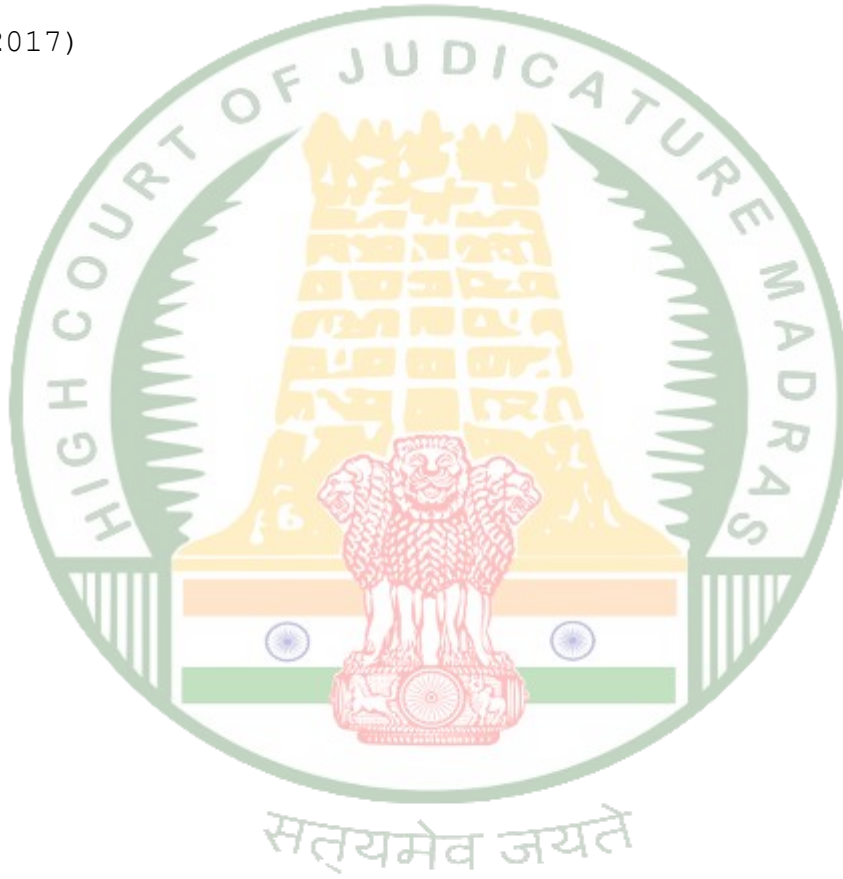
1. The Principal District and Sessions Judge,
Perambalur.
2. The Judicial Magistrate,
Perambalur.
3. The Inspector of Police,
District Crime Branch
Perambalur District.

4. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.C.D. Johnson, Advocate sr 81706.

Cr1.O.P.No. 24843 of 2017

SP(08/12/2017)



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