

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25217 of 2017

Santhoshkumar

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order of the learned Principal Sessions Judge, Chennai, dated 07.11.2017 in Crl.M.P. No.16921 of 2017 reducing the deposit amount.

For Petitioner : Mr.S.Mohanavadivelan

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.1377 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.S.Mohanavadivelan, 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 Thiruvazhagar 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.16921 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/- instead of depositing a sum of Rs.50,000/-.

All other conditions imposed in the order dated 07.11.2017 in Crl.M.P.No.16921 of 2017 shall remain intact.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.MOHANAVADIVELAN Advocate, S.R.No. 21332/17

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DK (CO)
TR(30/11/2017)