

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 22.11.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.25267 of 2017****and****Crl.MP.No.14531 of 2017**

1. A. Deenadayalan
2. Mahalakshmi

..Petitioners

Vs.

State rep. by
Inspector of Police(Crimes)
F-1, Chintadripet Police Station,
Chennai 600 002.
(Cr.No.646/2016)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order dated 06.11.2017 passed in Crl.MP.No.16933/2017 in F.1.Cr.No.646/2016 passed by the learned Principal Sessions Judge, Chennai in so far as it relates to the direction to the petitioners to deposit Rs.2,00,000/- to the credit of XIV Metropolitan Magistrate, Chennai on or before 20.11.2017.

For Petitioner

: Mr.D.N.Dhurga Sha

For Respondent

: Mr.C.Iyyapparaj
Additional Public Prosecutor**ORDER**

Petitioners, who have been arrayed as an accused A1 & A2 in Crime No.646 of 2016 was granted anticipatory bail on pre-condition to deposit a sum of Rs.1,00,000/- each by the learned Principal Sessions Judge, Chennai

on 06.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.D.N.Dhurga Sha, learned counsel appearing for the petitioners 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 ***Thiruvassagam 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 petitioners in paragraph No.6 (ii)

& (iii) in Crl.M.P.No.16933 of 2017 shall stand modified as follows:

(ii) In the event of arrest or on their surrender before the learned XIV Metropolitan Magistrate, Chennai, the petitioners are ordered to be released on bail on execution of Rs.10,000/- each with two sureties for a likesum to the satisfaction of the said Magistrate.

(iii) the petitioners shall execute a bond of undertaking to the tune of Rs.1,00,000/- each before the said court instead of depositing a sum of Rs.1,00,000/-.

All other conditions imposed in the order dated 06.12.2017 in Crl.M.P.No.16933 of 2017 shall remain intact. Consequently, connected miscellaneous petition is closed.

22.11.2017

Index : Yes/No
gv/aav

सत्यमेव जयते

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M.S.RAMESH.J,

gv/aav

To

1. Inspector of Police(Crimes)
F-1, Chintadripet Police Station,
Chennai 600 002.
(Cr.No.646/2016)

2. The Principal Sessions Judge,
Chennai

3. The XIV Metropolitan Magistrate,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.25267 of 2017
and
Crl.MP.No.14531 of 2017

सत्यमेव जयते

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22.11.2017