

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25279 of 2017

Sweta Eugeno Fenando

..Petitioner

Vs.

State Represented by The Inspector of Police,
H-3, New Washermenpet Police Station,
Washermenpet, Chennai.
(Crime No.1533/2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition on the petitioner to report before Judicial Magistrate No.I at Trichy daily 10.30 a.m for one month in Crl.O.P.No.16818 of 2017 order dated 06.11.2017 on the file of the Principal Sessions Judge at Chennai without any default.

For Petitioner : Mr.S.Tamilselvan

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

The prayer sought for in the present petition is to modify the condition to the petitioner shall appear before Judicial Magistrate No.1, Trichy daily at 10.30 AM for a period of one month in Crime. No.104 of 2017 on the file of the respondent police in Crl.M.P.No.16818 of 2017 on the file of Principal Sessions Judge, Chennai.

2.Heard Mr.S.Tamilselvan, learned counsel for the petitioner as well as Mr.C.Iyyappa Raj, learned Additional Public Prosecutor 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 light of the above, the onerous condition directing the petitioner to stay at Trichy and appear before the Judicial Magistrate No.I, Trichy daily at 10.30 am for a period of one month is without any basis. Hence, it would not be appropriate to make the petitioner to stay at Trichy who is a resident of Chennai and the order passed in paragraph No. 6(iii) in Crl.M.P. No.16818 of 2017 dated 06.11.2017 by the learned Principal Sessions Judge, Chennai, is modified as follows:

" the petitioner shall report before the respondent police viz., The Inspector of Police, H-3 New Washermenpet Police Station, daily at 10.30 a.m. for a period of one month and thereafter as and when required."

All other remaining conditions imposed in the order dated 06.11.2017 in Crl.M.P.No.16818 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Trichy

2.The Judicial Magistrate No.I,
Trichy

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3.Do Through The Chief Judicial Magistrate, Trichy.

4.The Inspector of Police,
H-3, New Washermenpet Police Station,
Washermenpet, Chennai.

5.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.TamilSelvan, Advocate, S.R.No.82574

CrI.O.P.No.25279 of 2017

KK(CO)

RRK(11/12/2017)



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