

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25368 of 2017

S.Sasikumar

..Petitioner

Vs.

State: The Inspector of Police,
Kalavai Police Station,
Vellore District.
(Crime No. 192/2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed in Crl.M.P.No.3923 of 2017 dated 07.10.2017 on the file of the learned District Sessions Judge, Vellore.

For Petitioner : Mr.M.Rajendran

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 imposed in Crl.M.P.No.3923 of 2017 dated 07.10.2017 on the file of the learned District Sessions Judge, Vellore.

2.Heard Mr.M.Rajendran, 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 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 light of the above, the onerous condition directing the petitioner to appear and sign before the District Munsif -cum- Judicial Magistrate , Arcot daily at 10.30 a.m for a period of 30 days (including holidays) from the next date of executing bond before the trial court in the the order passed in Crl.M.P. No.3923 of 2017 dated 07.10.2017 by the learned Principal Sessions Judge, Vellore, is modified as follows:

" the petitioner shall report before the respondent police viz., The Inspector of Police, Kalavai Police Station, Vellore District, daily at 10.30 a.m. for a period of one month and thereafter as and when required from the next date of executing bond before the trial court ."

All the other remaining conditions imposed in the order dated 07.10.2017 in Crl.M.P.No.3923 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Vellore.
- 2.The District Munsif -cum- Judicial Magistrate,
Arcot
- 3.The Inspector of Police,
Kalavai Police Station, Vellore District

4.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.25368 of 2017

RRK(11/12/2017)



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