

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25892 of 2017

Ajith Kumar

... Petitioner

Vs.

The Inspector of Police,
J-13, Tharamani Police Station,
Tharamani, Chennai 113.
(Crime No.2309 of 2017)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition of Anticipatory Bail granted in Crl.M.P.No.18010 of 2017 in Crime No.2309 of 2017 dated 17.11.2017 passed by the learned Principal Sessions City Civil Court Judge at Chennai.

For Petitioner : Mr.R.Ravi

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.2309 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.50,000/- by the learned Principal Sessions City Civil Court Judge, Chennai on 17.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.R.Ravi, learned counsel appearing for the petitioner 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 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 Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in Crl.M.P.No.18010 of 2017 by its order dated 17.11.2017 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/- (Rupees fifty thousand only) instead of depositing a sum of Rs.50,000/-.

All other conditions imposed in the order dated 17.11.2017 in Crl.M.P.No.18010 of 2017 shall remain intact.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

rts

To

1. The Principal Sessions,
City Civil Court Judge,
Chennai.
2. The Inspector of Police,
J-13, Tharamani Police Station,
Tharamani, Chennai 113.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ravi, Advocate SR.No.84337

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GN(11/12/2017)