

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26057 of 2017

S.Deepa

..Petitioner

Vs

State Rep. by
The Inspector of Police,
K-11, C.M.B.T. Police Station,
Chennai

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition directing the petitioner to deposit a sum of Rs.5,00,000/- as cash security in C.M.P.No.4233 of 2017 dated 01.11.2017 by the learned V Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.S.Rajanikanth
For Respondent : Mr.C.Iyyapparaj, APP.

O R D E R

The petitioner, who had been arrayed as accused in Crime No.1363 of 2017 was granted anticipatory bail on condition to deposit a sum of Rs.5,00,000/- by the learned Judicial Magistrate, Egmore, Chennai on 01.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.Rajanikanth, 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 CrI.M.P.No.4233 of 2017 by its order dated 01.11.2017 directing the petitioner to deposit a sum of Rs.5,00,000/- shall stand modified as follows:

- "1. the petitioner shall execute a bond of undertaking to the tune of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for the like sum.
2. The petitioner shall also file an affidavit before the Court below undertaking not to sell or otherwise alienate the vehicle and shall produce the vehicle before the trial Court as and when required.
3. The said vehicle Maruti Swift Dzire Car bearing Reg. No.TN25-BB-4429 is directed to be handed over to the petitioner as an interim custody."

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
 - 2.Do-Through The Chief Judicial Magistrate,
Egmore, Chennai.
 - 3.The Inspector of Police,
K-11, C.M.B.T Police Station,
Chennai.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.S.Rajanikanth,. Advocate SR.No.84635

CrI.O.P.No.26057 of 2017

RSK(CO)
GN(29/11/2017)