

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26127 of 2017

1.Thirunavukarasu
2.Veeramuthu

..Petitioners

Vs

The state Rep. By
The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District,
Crime No.356 of 2017.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the clause (b) condition dated 24.10.2017 made in Crl.M.P. No.903 of 2017, that the petitioners shall deposit the amount of Rs.30,000/- before the learned Judicial Magistrate, Perambalur.

For Petitioners : Mr.R.Gokulakrishnan
For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor.

O R D E R

The petitioners, who had been arrayed as accused in Crime No.356 of 2017 was granted anticipatory bail on condition to deposit a sum of Rs.30,000/- each by the learned Judicial Magistrate, Perambalur on 24.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.R.Gokulakrishnan, 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 petitioners in Crl.M.P.No.903 of 2017 by its order dated 24.10.2017 directing the petitioners to deposit a sum of Rs.30,000/- shall stand modified as follows:

"the petitioners shall execute a bond of undertaking to the tune of Rs.30,000/- (Rupees Thirty Thousand only) instead of depositing a sum of Rs.30,000/-.

All other conditions imposed in the order dated 24.10.2017 in Crl.M.P.No.903 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rkp/dpq

To

- 1.The Principal District Judge,
Perambalur.
- 2.The Judicial Magistrate Judge, Chennai.
- 3.-Do- Through the
Chief Judicial Magistrate, Perambalur.
- 4.The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.
- 5.The Public Prosecutor, High Court, Madras.

+lcc to Mr.R.Gokulakrishnan, Advocate SR.No.84675

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RSK(CO)

GN(29/11/2017)