

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 14.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No. 26246 of 2017**

G.Raja

..Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
Team-IX, Egmore,
Chennai – 600 008.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the 2nd condition imposed on the petitioner in Crl.M.P.No.1536 of 2017 by its order dated 06.06.2017 passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB (Cheating Cases) and CB-CIB Metro Cases, Allikulam, Egmore, Chennai.

For Petitioner : Mr.J.Janarthanan

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor**ORDER**

The petitioner, who had been arrayed as an accused in Crime No.357 of 2014 was granted interim custody of the petitioner's vehicle bearing Registration No.TN-69-AV-3233, till the disposal of the case on pre-condition to furnish a document to the face value of Rs.6,00,000/- by the learned Metropolitan Magistrate for Exclusive Trial of CCB

(Cheating Cases) and CB-CIB Metro Cases, Allikulam, Egmore, Chennai on 06.06.2017. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.J.Janarthanan, learned counsel appearing for the petitioner and Mr.C.Iyyappa Raj, 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 ***Thiruvagasam 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 2nd condition imposed on the petitioner in CrI.M.P.No.1536 of 2017 dated 06.06.2017 by the learned Metropolitan Magistrate for Exclusive Trial of CCB (Cheating Cases) and CB-CIB Metro Cases, Allikulam, Egmore, Chennai, directing to furnish a document to the face value of Rs.6,00,000/- shall stand deleted.

All other conditions imposed in the order dated 06.06.2017 in CrI.M.P.No.1536 of 2017 shall remain intact.

सत्यमेव जयते

14.12.2017

Index : Yes/No
Internet : Yes/No
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M.S.RAMESH.J,
ak

To

- 1.The Metropolitan Magistrate for Exclusive Trial of
CCB (Cheating Cases) and CB-CIB Metro Cases,
Allikulam, Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
Team-IX, Egmore,
Chennai – 600 008.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.26246 of 2017

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