

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 30.11.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No. 26369 of 2017**

M.Kandhan

..Petitioner

Vs

State rep. By
The Inspector of Police,
P-5, M.K.B Nagar Police Station
Chennai District.
(Crime No. 1382 of 2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order passed in Crl.MP. No. 15819 of 2017 by the learned Principal Sessions Judge, Chennai vide order dated 25.10.2017 in Crime No. 1382 of 2017 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr. C. Iyyappa Raj, APP

ORDER

The petitioner, who had been arrayed as first accused in Crime No. 1382 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.3,00,000/- by the learned Principal District and

Sessions Judge, Chennai in Crl.MP. No. 15819 of 2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.A.Saranraj, 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 ***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.

WEB COPY

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.15819 of 2017 by its order dated 25.10.2017 directing the petitioner to deposit a sum of Rs.3,00,000/- shall stand modified as follows:

"The petitioner shall execute a bond of undertaking to the tune of Rs.3,00,000/- instead of depositing a sum of Rs.3,00,000/-. He shall surrender before the learned X Metropolitan Magistrate, Chennai within 10 days from the date of receipt of a copy of this order.

There shall be a further condition that the petitioner shall report before the respondent police daily at 10.30A.M for a period of one month and thereafter as and when required."

All other conditions imposed in the order dated 25.10.2017 in Crl.M.P.No.15819 of 2017 shall remain intact.

WEB COPY

30.11.2017

Index:Yes/No
Internet : Yes/No
ak

M.S.RAMESH.J,

ak

To

1. The Principal Sessions Judge,
City Civil Court, Chennai.
2. The X Metropolitan Magistrate,
Chennai.
3. The Inspector of Police,
P-5, M.K.B Nagar Police Station
Chennai District
4. The Public Prosecutor
High Court, Madras.

Crl.O.P.No. 26369 of 2017

WEB COPY

30.11.2017