

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2017
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.26440 of 2017

1.A.Kavi @ Kaviraj
2.Rajkumar

..Petitioners /Accused1 &3
Vs.

State rep. by
The Inspector of Police (Crime),
N2, Kasimedu Police Station,
Chennai.Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed in Crl.M.P. No. 18026 of 2017 on 17.11.2017 by the learned Principal Sessions Judge, Chennai as Rs.50,000/- bond each or any document sureties instead of Rs.50,000/- cash deposit and also may extend the time to furnish the sureties before the trial Court.

For Petitioners : Mr.S.Prabudoss
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

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O R D E R

The petitioners, who have been arrayed as accused 1 & 3 in Crime No.1125 of 2017 were granted anticipatory bail on pre-condition to deposit a sum of Rs.50,000/- by the learned Principal Sessions Judge, Chennai on 17.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.Prabudoss, learned counsel appearing for the petitioners 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 Thiruvassagam 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. On a perusal of the statements made in the present petition, wherein the petitioners have expressed their inability to comply with the onerous conditions imposed in paragraph 6 of order dated 17.11.2017 passed in CrI.MP. No. 18026 of 2017 by the learned Principal Sessions Judge, Chennai are modified as follows;

"The petitioners shall be enlarged on bail in the event of arrest or on their surrender before the learned XVI Metropolitan Magistrate, Chennai on their executing a bond for Rs. 10,000/- each with two sureties for a like sum to the satisfaction of the said Magistrate.

The petitioners shall also report before the respondent police daily at 10.30am for a period of 15 days and thereafter as and when required."

All other conditions imposed in the order dated 17.11.2017 in CrI.M.P.No.18026 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Chennai.

2.The XVI Metropolitan Magistrate
Chennai

3.-do-Thro The Chief Judicial Magistrate
Chennai

4. The Inspector of Police (Crime),
N2, Kasimedu Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.s.Prabudoss Advocate sr 85758

Cr1.O.P.No.26440 of 2017

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