

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26441 of 2017

Arivazhagan

..Petitioner /Accused

Vs.

State rep. by  
Inspector of Police,  
Central Crime Branch  
Team-I, Vepery,  
Chennai-600 001.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition in Crl.M.P.No.15933/2017 on 20.10.2017 on the file of the Principal Sessions Judge, Chennai instead of Rs.2 Lakhs cash deposit this Hon'ble Court can modify the condition to the petitioner shall executed a bond to the value of Rs.2 Lakhs or any document sureties to the worth of Rs.2 Lakhs.

For Petitioner : Mr.S.Prabudoss

For Respondent : Mr.C.Iyyapparaj,  
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.180 of 2017 was granted bail on pre-condition to deposit a sum of Rs.2,00,000/- by the learned Principal Sessions Judge, Chennai on 20.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.Prabudoss, 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 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. In the earlier order dated 12.9.2017 passing in Crl.M.P.No.13619 of 2017 before the learned Principal Sessions Judge, Chennai the petitioner was directed to release on bail with the condition to deposit a sum of Rs.5,00,000/- to the credit of the Crime No.180 of 2017, since the said condition was onerous. According to the petitioner the condition came to further modified in Crl.M.P.No.15933 of 2017 dated 20.10.2017, by reducing the amount from Rs.5,00,000/- to Rs.2,00,000/- by the learned Principal Sessions Judge, Chennai.

6. In spite of the modification, the petitioner submitted that he is unable to comply with the condition, since he is unable to mobilize the said amount and taking into account the fact that the petitioner is languishing in the delay because of the onerous condition, it would be appropriate to modify to the onerous condition.

7. In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in Crl.M.P.No.15933 of 2017 by its order dated 20.10.2017 directing the petitioner to deposit a sum of Rs.2,00,000/- shall stand modified as follows:

"The petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- with two sureties each for likesum to the satisfaction of the learned Metropolitan Magistrate, Exclusive Trial of C.C.B. Cases (relating to Cheating Cases in Chennai) and CB CID Metro Cases Chennai with the further condition to appear before Investigating Officer daily at 10.30 a.m. for a period of 15 days and thereafter as and when required."

All other conditions imposed in the order dated 20.10.2017 in CrI.M.P.No.15933 of 2017 shall remain intact.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nmm

To

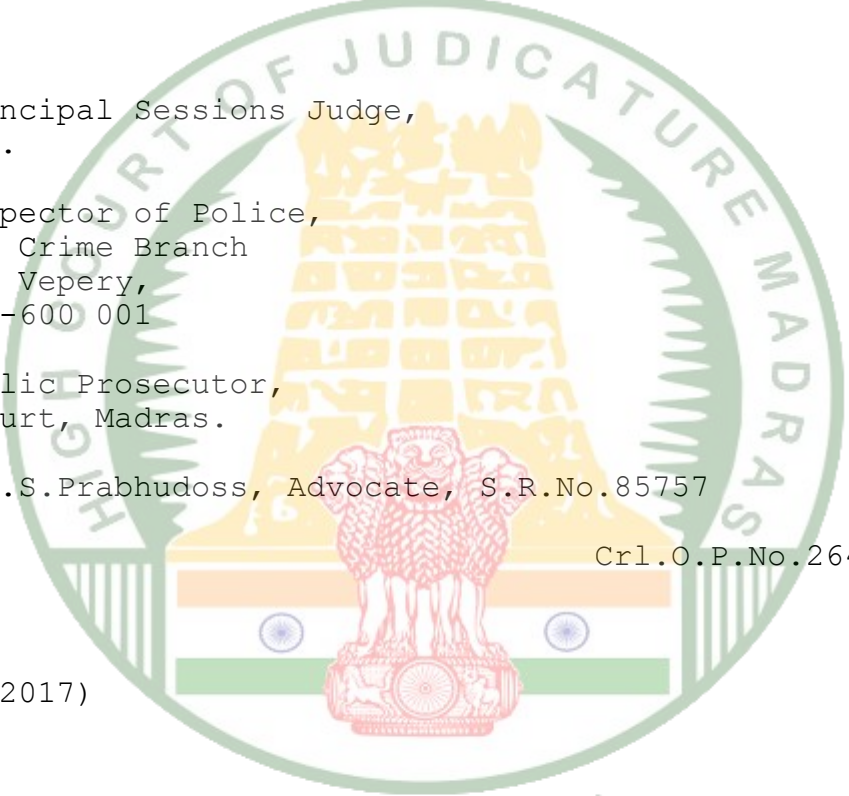
1. The Principal Sessions Judge,  
Chennai.
2. The Inspector of Police,  
Central Crime Branch  
Team-I, Vepery,  
Chennai-600 001
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Prabhudoss, Advocate, S.R.No.85757

CrI.O.P.No.26441 of 2017

VSN(CO)

RRK(06/12/2017)



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