

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26619 of 2017

Suresh

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,
J-13, Tharamani Police Station,
Chennai-13

(Crime No.2358 of 2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on 14.11.2017 in Crl.M.P.No.17553 of 2017 by the Principal Sessions Judge, Chennai in Crime No. 2358 of 2017 to deposit Rs.2,00,000/- before the Hon'ble Court.

For Petitioner : Mrs.N.Premalatha

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as accused in Crime No.2358 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.2,00,000/- by the learned Principal Sessions Judge, Chennai on 14.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mrs.N.Premalatha, 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 Thiruvazhagar 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 petitioner in para 6 in CrI.M.P.No.17382 of 2017 dated 14.11.2017 shall stand modified as follows:

" Further the petitioner is directed to enlarge on anticipatory bail in connection with Crime No.2358 of 2017 on the file of the respondent herein in the event of his arrest or on his surrender before the XVIII Metropolitan Magistrate, Chennai one week from the date of receipt of a copy of this order.

The petitioner shall execute a bond of undertaking to the tune of Rs.2,00,000/- instead of depositing a sum of Rs.2,00,000/-to the credit of Crime No. 2358 of 2017

There shall be further condition to the petitioner to report before the respondent police daily at 5.00 p.m. for a period of one month and thereafter as when required".

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

aav/rkp

To

1.The Principal Sessions Judge, Chennai.

2.The Inspector of Police,
J-13, Tharamani Police Station,
Chennai-13

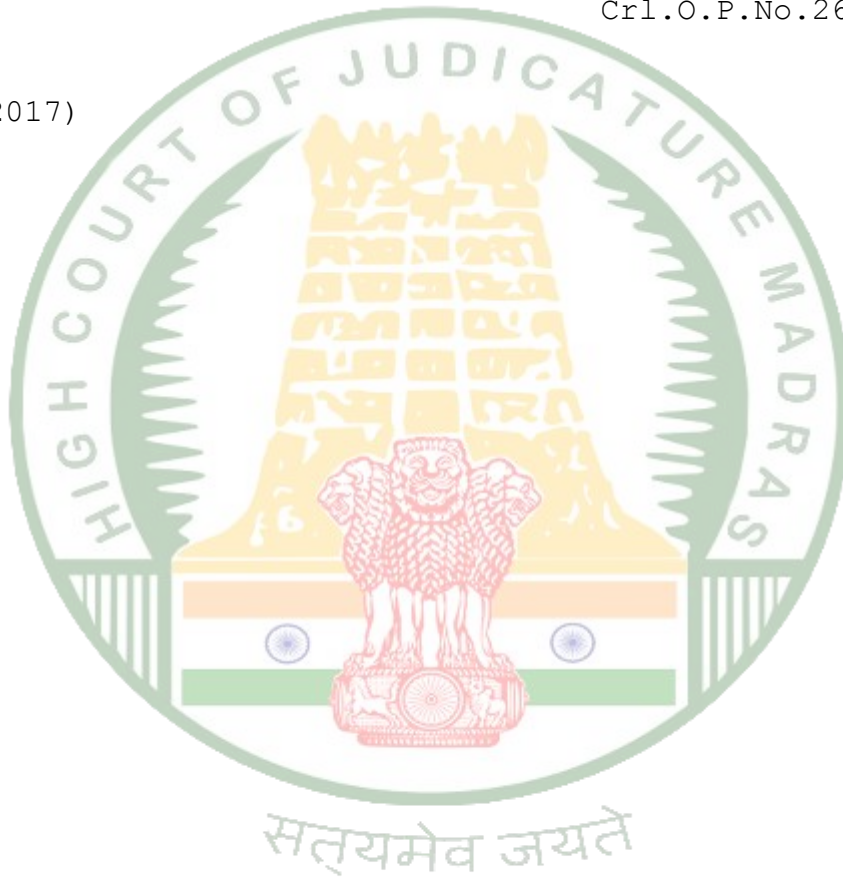
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3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K. Sudhan, Advocate sr 85729.

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SP(08/12/2017)



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