

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.27001 of 2017

1.Kaliya Padayachi  
2.Panjalai

..Petitioners

Vs .

The state Rep. By  
Inspector of Police,  
Kallakurichi Police Station,  
Villupuram District,  
Crime No.861 of 2017.

..Respondent

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed upon the petitioner by the learned Principal Sessions Judge Villupuram in Crl.MP.No.7821/2017 dated 20.11.2017.

For Petitioners : Ms.V. Sasi Rekha

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

The petitioners, who had been arrayed as accused in Crime No.861 of 2017 was granted anticipatory bail on condition to deposit a sum of Rs.50,000/- each by the learned Principal Sessions Judge, Villupuram in Crl.MP.No.7821/2017 on 20.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Ms.V. Sasi Rekha, learned counsel appearing for the petitioners 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 *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.

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 petitioners in Crl.M.P.No.7821 of 2017 by its order dated 20.11.2017 directing the petitioners to deposit a sum of

Rs.50,000/- each shall stand modified as follows:

“the petitioners shall execute a bond of undertaking to the tune of Rs.50,000/- each (Rupees Fifty Thousand only) instead of depositing a sum of Rs.50,000/-.”

All other conditions imposed in the order dated 20.11.2017 in Crl.M.P.No.7821 of 2017 shall remain intact.

Consequently, the petitioners are directed to surrender before the concerned learned Judge within a period of one week from the date of receipt of a copy of this order.

08.12.2017

Index : Yes/No  
gv

सत्यमेव जयते  
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M.S.RAMESH.J.,

gv

To

- 1.The Principal District Judge,  
Perambalur.
- 2.The Public Prosecutor,  
High Court, Madras.

Crl.O.P.No.27001 of 2017



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