

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 11.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.27263 of 2017**

V.Vallarasu

..Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
E-2, Police Station, Peelamedu,
Coimbatore.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner in Crl.M.P.No. 2985 of 2017 by its order dated 28.11.2017 passed by the learned Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

सत्यमेव जयते

ORDER

The petitioner, who had been arrayed as accused no.3 in Crime No.1421 of 2017 was granted anticipatory bail on pre-condition to appear before the respondent police in Crl.MP. No.2985 of 2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.V.Balamurugan, 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 ***Thiruvassagam Vs. State rep. by the Inspector of Police, B1, North Beach Police Station, Chennai-600 001 in CrI.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 Crl.M.P.No.2985 of 2017 by its order dated 28.11.2017 directing the petitioner *"to appear before the Inspector of Police, Cantonment Police Station, Trichy, daily at 10.00 a.m until further orders"* shall stand modified as follows:

"The petitioner shall appear before the Inspector of Police, E-2, Police Station, Peelamedu, Coimbatore, daily at 6.p.m for a period of 15 days and thereafter as and when required."

All other conditions imposed in the order dated 28.11.2017 in Crl.M.P.No.2985 of 2017 shall remain intact.

11.12.2017

Index : Yes/No
Internet : Yes/No

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To

1. The Principal District and Sessions Judge, Coimbatore.
2. The Inspector of Police, E-2, Police Station, Peelamedu, Coimbatore.
3. The Inspector of Police, Cantonment Police Station, Trichy.
4. The Public Prosecutor, High Court, Madras.

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M.S.RAMESH.J,
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