

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

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THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No.27307 of 2017

J.Malarvizhi

.. Petitioner

Vs

The State rep. by
The Inspector of Police,
Economic Offences Wing-II,
Kancheepuram

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to modify the condition of deposit in Crl.M.P.No.1453 of 2017 in Crl.M.P.No.1502 of 2017 on the file of the Special Judge under TNPID Act, Chennai.

For Petitioner : Mr.R.Thanjan

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

ORDER

This petition has been filed to modify the conditions imposed in Crl.M.P.No.1453 of 2017 in Crl.M.P.No.1502 of 2017, by the learned Special Judge under TNPID Act, Chennai.

2 The petitioner, who had been arrayed as accused in Crime No.3 of 2017, was granted bail on pre-condition to deposit a sum of Rs.5,00,000/- by the learned Special Judge under TNPID Act, Chennai

on 25.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard R.Thanjan, 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 ***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.

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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 conditions imposed on the petitioner in para 3 (1), (2), (3) in CrI.M.P.No.1453 of 2017 dated 25.10.2017 shall stand modified as follows:

“(i) The accused shall be released on bail in connection with Crime No.3 of 2017, on the file of the respondent herein, after execution of bond for a sum of Rs.10,000/- with two sureties each for a like sum.

(ii) There shall be further condition to the petitioner to report before the respondent police daily at 10.30 a.m. for a period of 30 days from the date on which the petitioner released on bail and thereafter as and when required.

14.12.2017

Index : Yes/No
Internet : Yes/No

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Note : Issue order copy on 15.12.2017

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M.S.RAMESH, J.

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To

1. The Special Judge under TNPID Act,
Chennai.
2. The Inspector of Police,
Economic Offences Wing-II,
Kancheepuram.
3. The Additional Public Prosecutor,
High Court, Madras.

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