

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 14.12.2017****CORAM****THE HONOURABLE Mr.JUSTICE M.S.RAMESH****Crl.OP.No.27319 of 2017**

Panneerselvam

.. Petitioner

Vs

State represented by
The Inspector of Police,
K-10 Koyambedu Police Station,
Koyambedu, Chennai-600 017.
(Crime No.865 of 2017)

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to modify the conditions imposed in the bail application in Crl.M.P.No.18784 of 2017, on the file of the Court of Principal Sessions Judge at Chennai dated 05.12.2017 and thereby permit the petitioner/1st Accused to execute a bond of undertaking to the tune of Rs.2,00,000/- and to furnish the sureties before the Judicial Magistrate No.2 at Poonamallee.

For Petitioner : Mr.S.Vijay Anand

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

This petition has been filed to modify the conditions imposed in Crl.M.P.No.18784 of 2017, by the learned Principal Sessions Judge, Chennai.

2.The petitioner, who had been arrayed as 1st accused in Crime No.865 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 05.12.2017. Seeking to modify the same, the present petition had been filed.

3.Heard S.Vijayanand, learned counsel appearing for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent.

4.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.

5.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.

6. In the result, the Criminal Original Petition stands allowed. Consequently, the conditions imposed on the petitioner in para 7 (ii) & (iii) in CrI.M.P.No.18784 of 2017, dated 05.12.2017 shall stand modified as follows:

“(i) the petitioner be released on bail in connection with the Crime No.865 of 2017, on the file of the respondent herein, after execution of bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate II, Poonamallee.

(ii) 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/-.”

7. All other conditions imposed in CrI.M.P.No.18784 of 2017 shall remain intact.

WEB COPY

14.12.2017

Index : Yes/No
Internet : Yes/No
cgi

Note: Issue order copy on 15.12.2017

M.S.RAMESH, J.

To

1. The Principal Sessions Judge,
Chennai .
2. The Judicial Magistrate II,
Poonamallee.
3. The Inspector of Police,
K-10 Koyambedu Police Station,
Koyambedu, Chennai-600 017.
4. The Additional Public Prosecutor,
High Court, Madras.

Crl.OP.No.27319 of 2017



WEB COPY

14.12.2017