

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 13.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.27604 of 2017**

Manoj Pagadi

..Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Tiruppur North.
(Crime No.2/2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed by the learned Sessions Judge (Fast Track Mahila Court), Tiruppur in Crl.M.P.No.445 of 2017 in Spl.C.C. No.20 of 2017 dated 23.10.2017 for production of the petitioner's native place surety instead of production of Local Tiruppur Surety.

For Petitioner : Mr.G.Rajesh

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

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ORDER

The petitioner, who had been arrayed as an accused in Crime No.2 of 2017 was granted bail on pre-condition to produce one blood related surety to the accused by the learned Sessions Judge (Fast

Track Mahila Court), Tiruppur on 23.10.2017. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.G.Rajesh, 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 ***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 condition no.(iii) imposed on the petitioner in Crl.M.P.No.445 of 2017 in Spl.S.C. No.20 of 2017 by its order dated 23.10.2017 shall stand modified as follows:

"The petitioner/accused shall produce any two sureties within one week from the date receipt of a copy of this Order."

All other conditions imposed in the order dated 23.10.2017 in Crl.M.P.No.445 of 2017 in Spl.S.C. No.20 of 2017 shall remain intact.

13.12.2017

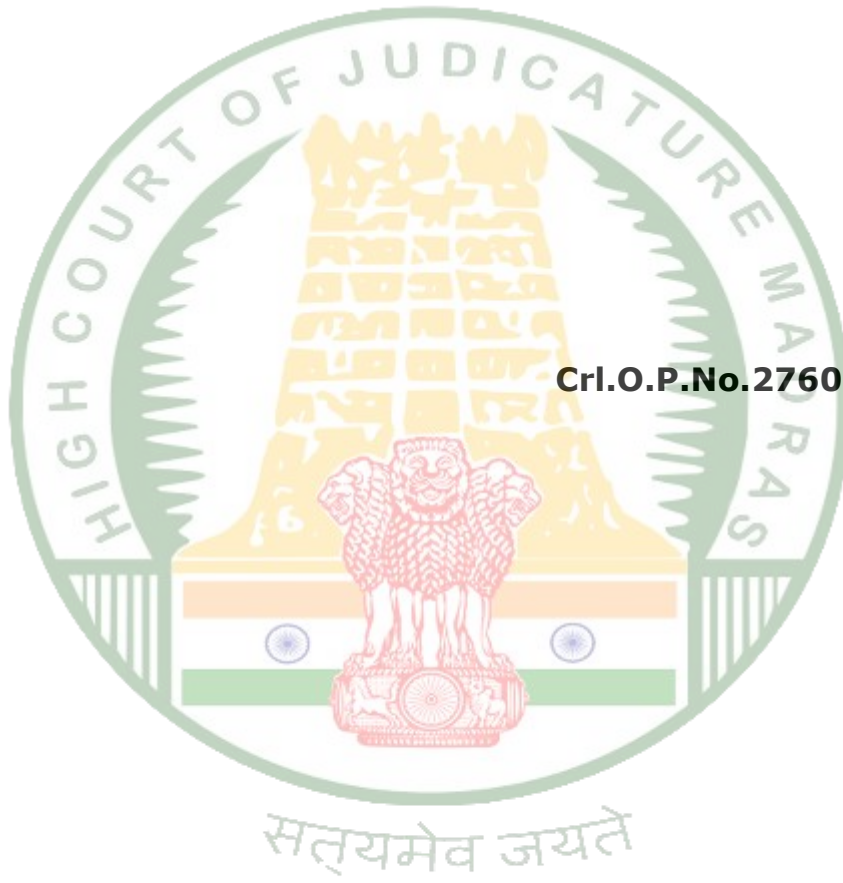
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Note : Issue order copy on 14.12.2017

To

1. The Sessions Judge (Fast Track Mahila Court),
Tiruppur
- 2.The Inspector of Police,
All Women Police Station,
Tiruppur North.
- 3.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J,



Crl.O.P.No.27604 of 2017

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