

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 14.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.27805 of 2017**

Nagaraj

..Petitioner /Accused

Vs.

The state rep. by
The Inspector of Police,
Vellakkoil Police Station,
Tiruppur District.
(Crime No.1788 of 2010).

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition of the Assistant Sessions and Subordinate Court, Kangeyan, Tiruppur, order made in Crl.M.P.3 of 2017, in S.C.No.150 of 2016, dated 29.11.2017 "vi) the petitioner shall execute a own bond sum of Rs.10,000/- further the two sureties shall execute a bond of sum Rs.10,000/- of the two sureties one shall be a blood relation of the petitioner and further the both a sureties should produce good condition conduct certificate".

For Petitioner : Mr.W.Camyles Gandhi

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

WEB COPY
ORDER

The petitioner, who had been arrayed as an 2nd accused in Crime No.1788 of 2010, was granted bail on pre-condition to execute a bond for Rs.10,000/- with two sureties each for a like sum and one shall be

a blood relation of the petitioner and further both the sureties should produce good condition conduct certificate by the learned Assistant Sessions and Subordinate Judge, Kangeyan, Tiruppur District on 29.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.W.Camyles Gandhi, 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.

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 CrI.M.P.No.3 of 2017 in S.C.No.150 of 2016 by its order dated 29.11.2017 at para no.6, directing the petitioner to execute a bond for Rs.10,000/- with two sureties each for a like sum and one shall be a blood relation of the petitioner and further both the sureties should produce good condition conduct certificate shall stand modified as follows:

“the petitioner shall execute a bond
for Rs.10,000/- with two sureties each for a
like sum.”

सत्यमेव जयते

14.12.2017

WEB COPY

Index : Yes/No
Internet : Yes/No
cgi

Note: Issue order copy on 15.12.2017

M.S.RAMESH.J,

cgi

To

1. The Assistant Sessions and Subordinate Court,
Kangeyan, Tiruppur.
- 2.The Inspector of Police,
Vellakkoil Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.27805 of 2017

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words 'HIGH COURT OF MADRAS' are inscribed in a green circle around the central image. Below the seal, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

WEB COPY

14.12.2017