

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 14.12.2017****CORAM****THE HONOURABLE Mr.JUSTICE M.S.RAMESH****Crl.OP.No.27826 of 2017**

M.Dhamodhar Krishnan

.. Petitioner

Vs

The State of Tamil Nadu
Rep by the Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai (Crime No.657 of 2017)

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to modify the conditions of daily appearance of the petitioner before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, imposed on him vide order dated 21.11.2017 passed by the learned Principal Sessions Judge at Chennai in Crl.M.P.No.18197 of 2017.

For Petitioner : Mr.S.S.Anil Sandeep

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

ORDER

This petition has been filed to modify the conditions imposed in Crl.M.P.No.18197 of 2017, by the learned Principal Sessions Judge, Chennai.

2 The petitioner, who had been arrayed as accused in Crime No.657 of 2017, was granted anticipatory bail on pre-condition to

execute a bond for Rs.10,000/- with two sureties each for a like sum and further directed to appear before the said court daily at 10.30 a.m. by the learned Principal Sessions Judge, Chennai on 21.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard S.Anil Sandeep, 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 **Thiruvassagam 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 conditions imposed on the petitioner in para 6 (iii) in CrI.M.P.No.18197 of 2017, dated 21.11.2017 shall stand modified as follows:

"The petitioner shall appear before the respondent police 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 Principal Sessions Judge,
Chennai .
2. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
3. The Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai.
4. The Additional Public Prosecutor,
High Court, Madras.



Crl.OP.No.27826 of 2017

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