

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 15.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.27994 of 2017**

Suresh

..Petitioner /Accused

Vs.

State of Tamil Nadu
by The Inspector of Police,
St. Thomas Mount Police Station.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the above bail condition imposed by the learned Principal Sessions Judge, Chengalpattu, against the petitioner by an order dated 22nd day of November 2017, in Crl.M.P.No.3677 of 2017 in Crime No.457 of 2017 on the file of the respondent police.

For Petitioner : Mr.R.Sankarakutralingam

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

The petitioner, who had been arrayed as an accused in Crime No.457 of 2017 was granted bail on pre-condition to deposit a sum of Rs.50,000/- by the learned Principal Sessions Judge, Chengalpattu on 22.11.2017. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.R.Sankarakutralingam, 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 CrI.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 Crl.M.P.No.3677 of 2017 by its order dated 22.11.2017 directing the petitioner to deposit a sum of Rs.50,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.50,000/- (Rupees fifty thousand only) instead of depositing a sum of Rs.50,000/-."

All other conditions imposed in the order dated 22.11.2017 in Crl.M.P.No.3677 of 2017 shall remain intact.

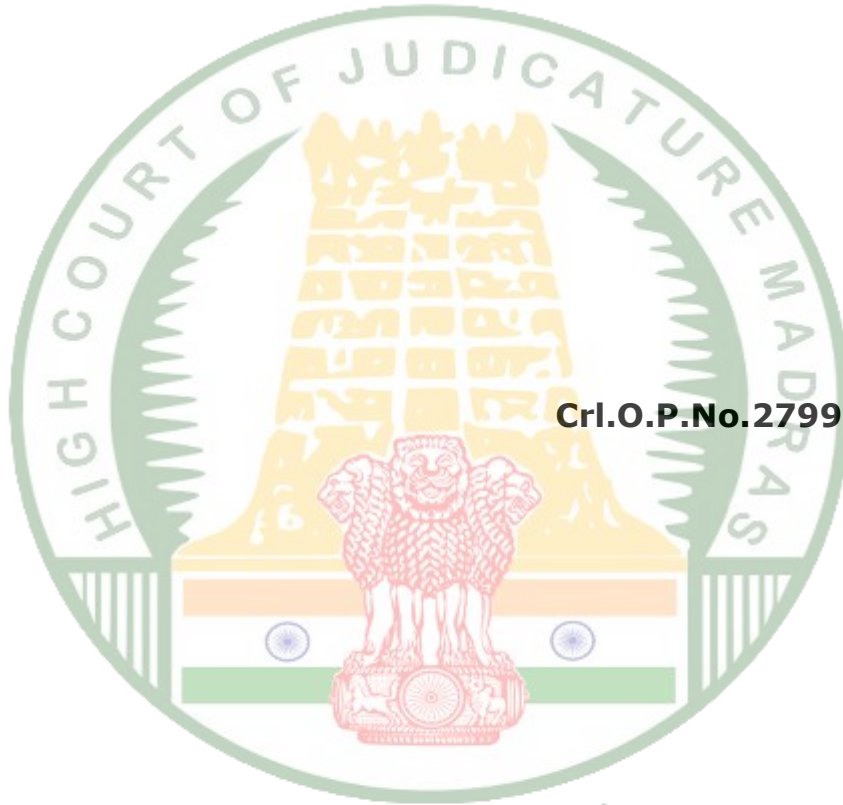
15.12.2017

Index: Yes/No
Internet: Yes/No
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To

- 1.The learned Principal Sessions Judge,
Chengalpattu.
- 2.The Principal District & Sessions Judge,
Chengalpattu.
- 3.The Inspector of Police,
St. Thomas Mount Police Station.
- 4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J,



Crl.O.P.No.27994 of 2017

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