

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 18.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No. 28044 of 2017**

1. A.V.K.Raj
2. A. Santhi

..Petitioners/1st & 2nd Accused

Vs.

State rep. by
The Inspector of Police (Crime)
J1 Saidapet Police Station,
Saidapet, Chennai-600 015.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition nos. ii and iii imposed by the learned Principal Sessions Judge, Chennai by its order dated 05.12.2017 in Crl.MP. No.19086 of 2017.

For Petitioners : Mr.K.Suthan

For Respondent : Mr.V.Arul

Additional Public Prosecutor

ORDER

The petitioners, who have been arrayed as A1 & A2 in Crime No.2927 of 2017 were granted anticipatory bail on 05.12.2017 by the learned Principal Sessions Judge, City Civil Court, Chennai by imposing certain pre-conditions. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.K.Suthan, learned counsel appearing for the petitioner and Mr.V.Arul, 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 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 nos. ii and iii imposed on the petitioners in Crl.M.P.No.19086 of 2017 by its order dated 05.12.2017 shall stand modified as follows:

"The petitioners are granted further period of one week from the date of receipt of a copy of this order to surrender before the IX Metropolitan Magistrate, Chennai.

The petitioners shall execute a bond of undertaking to the tune of Rs.1,00,000/- instead of depositing a sum of Rs.1,00,000/-."

All other conditions imposed in the order dated 05.12.2017 in Crl.M.P.No. 19086 of 2017 shall remain intact.

18.12.2017

Index : Yes/No
Internet : Yes/No
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Note : Issue order copy on 19.12.2017

M.S.RAMESH. J.,

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To

1. The Principal Sessions Judge,
City Civil Court, Chennai.
2. The IX Metropolitan Magistrate,
Chennai.
3. The Inspector of Police (Crime)
J-1 Saidapet Police Station,
Saidapet, Chennai-600 015.
4. The Public Prosecutor
High Court, Madras.



Crl.O.P.No.28044 of 2017

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