

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28072 of 2017

T.Pathmaselvan

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,
Central Crime Branch,
C.c.B -Team -18A
Vepery, Chennai-600 007.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 05.12.2017 made in Crl.MP. No.19102 of 2017 in Crl.M.P. No.18014 of 2017 passed by the learned Principal Sessions Judge, Chennai and consequently to extend the time to execute bond with sureties as per order dated 17.11.2017 made in Crl.MP. No.18014 of 2017 passed by the learned Principal Session Judge, Chennai.

For Petitioner : Mr.M.Ravibharathi

For Respondent : Mr.V.Arul,
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No. not known/2017 was granted anticipatory bail on pre-condition to surrender on or before 30.11.2017 and execute a bond of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Magistrate. Since he was not able to arrange sureties due to his health condition, he sought for extention of time in Crl.M.P. No. 19102 of 2017, which came to be dismissed by the learned Principal Sessions Judge, Chennai by an order dated 05.12.2017. Seeking to set aside the same, the present petition had been filed.

2.Heard Mr.M.Ravibharathi, 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 Thiruvvasagam 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 order made in Crl.M.P.No. 19102 of 2017 in Crl.MP. No. 18014 of 2017 dated 05.12.2017 by the learned Principal Sessions Judge, Chennai is set aside. Consequently, the petitioner is permitted to surrender before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases(relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai, within in a period of one week from the date of receipt of a copy of this order.

All other observations imposed in the order dated 05.12.2017 in Crl.M.P.No.19102 of 2017 and in Crl.MP. No.18014 of 2017, dated 17.11.2017 shall remain intact.

Sd/-

Assistant Registrar(AR-J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,Chennai.
 2. The Metropolitan Magistrate for Exclusive Trial of CCB Cases(relating to cheating cases in Chennai) and CBCID Metro Cases, Chennai
 3. The Inspector of Police, Central Crime Branch, C.C.B -Team -18A, Vepery, Chennai-600007.
 - 4.The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr. M. Ravi, Advocate Sr.90169

Crl.O.P.No.28072 of 2017

AR-J

EU(30/01/2018)