

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28176 of 2017

Dr.Rambabu Paladugu

..Petitioner /3rd Accused

Vs.

Presently transferred to
The Inspector of Police,
CBCID, OCU-II,
Chennai.
(Crime No.4/2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in Crl.MP. No. 19786 of 2017 dated 13.12.2017 passed by the learned Principal Sessions Judge, Chennai and relax the conditions imposed on the petitioner in Crl.MP. No. 18499 of 2017 dated 24.11.2017 by the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.B.Ravi Raja

For Respondent : Mr.V.Arul,

Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as 3rd accused in Crime No. 1646 of 2017 was granted bail on pre-condition that he shall stay at Chennai and appear before the respondent police daily at 10.30a.m. and 5.00pm until further orders. Seeking to relax the said condition, the present petition had been filed.

2.Heard Mr..B.Ravi Raja, 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 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. 19786 of 2017 dated 13.12.2017 passed by the learned Principal Sessions Judge, Chennai is set aside. Consequently, the condition no.3 imposed on the petitioner in Crl.MP. No. 18499 of 2017 dated 24.11.2017 by the learned Principal Sessions Judge, Chennai is relaxed and modified as follows;

"The petitioner shall report before the respondent police as and when required."

All other observations imposed in Crl.M.P.No.19786 of 2017, dated 13.12.2017 and in Crl.MP. No.18499 of 2017, dated 24.11.2017 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 Inspector of Police,
The Inspector of Police,
CBCID, OCU-II,
Vepery, Chennai-600007.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to MR. B. Ravi, Raja, Advocate SR.3254

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(AR-J)

EU(30/01/2018)