

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR. JUSTICE **M.S.RAMESH**

CrI.O.P.No.28325 of 2017

Maruthu @ Maruthupandi

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
Crime No.2352 of 2017

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the onerous condition order imposed by the learned Principal Sessions Judge, City Civil Court, Chennai in CrI.M.P.No.19884 of 2017 dated 14.12.2017, that the petitioner shall deposit a sum of Rs.25,000/- to the credit of the crime No.2352 of 2017.

For Petitioner : Mr.C.Mohan raj

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner, who had been arrayed as an accused in Crime No.2352 of 2017 was granted bail on pre-condition to deposit a sum of Rs.25,000/- by the learned Principal Sessions Judge, City Civil Court, Chennai on 14.12.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.C.Mohanraj, 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 condition imposed on the petitioner in Crl.M.P.No.19884 of 2017 by its order dated 14.12.2017 directing the petitioner to deposit a sum of Rs.25,000/- shall stand modified as follows:

“the petitioner shall execute a bond of

undertaking to the tune of Rs.25,000/- (Rupees twenty five thousand only) instead of depositing a sum of Rs.25,000/-.

All other conditions imposed in the order dated 14.12.2017 in CrI.M.P.No.19884 of 2017 shall remain intact.

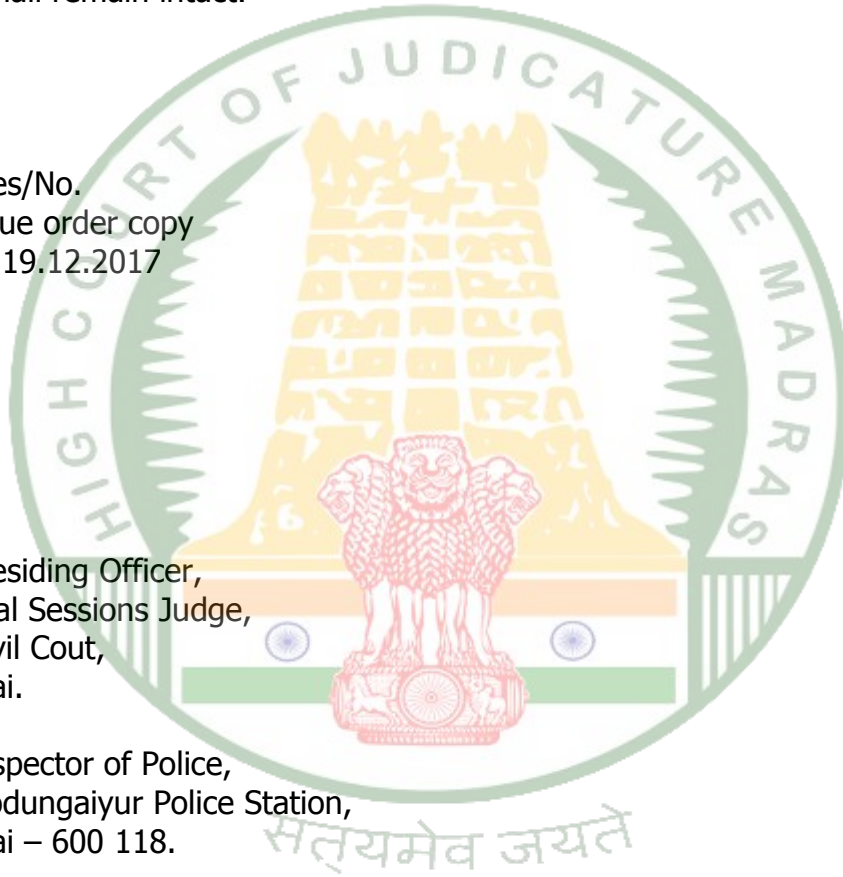
19.12.2017

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

rts

To

1. The Presiding Officer,
Principal Sessions Judge,
City Civil Court,
Chennai.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
3. The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,

rts



Crl.O.P.No.28325 of 2017

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19.12.2017