

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 20.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.28506 of 2017**

1. Vivek
2. Mohandass

..Petitioners/ Accused

Vs.

State rep. by
The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
(Crime No.2942/2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions the petitioners on deposit of Rs.20,000/- each orders imposed in Crl.M.P.No.4354 of 2017 dated 11.12.2017 on the file of the Hon'ble Principal Sessions Judge, Kanchipuram at Chengalpattu.

For Petitioners

: Mr.Ilayaraja Kandasamy

For Respondent

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

The petitioners, who had been arrayed as accused in Crime No.2942 of 2017 was granted bail on pre-condition to deposit a sum

of Rs.20,000/- by the learned Principal Sessions Judge, Kanchipuram at Chengalpattu on 11.12.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.Ilayaraja Kandasamy, 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 petitioners in Crl.M.P.No.4354 of 2017 by its order dated 11.12.2017 directing the petitioners to deposit a sum of each Rs.20,000/- to the credit of Crime No.2942 of 2017 shall stand modified as follows:

"the petitioners shall execute a bond of undertaking each to the tune of Rs.20,000/- instead of depositing a sum of Rs.20,000/-.

All other conditions imposed in the order dated 11.12.2017 in Crl.M.P.No.4354 of 2017 shall remain intact.

20.12.2017

Index : Yes
aav

To

- 1.The Principal Sessions Judge, Kanchipuram at Chengalpattu.
- 2.The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J,

aav



Crl.O.P.No.28506 of 2017

WEB COPY

20.12.2017