

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 21.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.28729of 2017**

Karthik

..Petitioner

Vs.

State rep. by
The Inspector of Police,
K-4,Anna Nagar Police Station,
Chennai.
(Crime No.871 of 2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition in Crl.M.P.No.2816 of 2017 dated 11.10.2017 on the file of the V Metropolitan Magistrate, Egmore at Chennai he shall execute a bond for a sum of Rs.50,000/- with two sureties each for the like sum in lieu to produce the original RC Book in his Vehicle No. TN 01 BC 1437.

For Petitioner

: Mr.S.L.Venkatesan

For Respondent

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

The petitioner herein is granted interim custody of vehicle(Apprila SR 150 Motor Cycle bearing registration No. TN01-BC-1437) in Crl.M.P.No.2816 of 2017 dated 11.10.2017 on the file of the

V Metropolitan Magistrate, Egmore at Chennai on pre-condition to produce original RC Book. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.L.Venkatesan, learned counsel appearing for the petitioners 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 2nd condition imposed on the petitioner in Crl.M.P.No.2816 of 2017 dated 11.10.2017 by the learned V Metropolitan Magistrate Egmore, Chennai, directing to produce the original RC Book shall stand deleted.

All other conditions imposed in the order dated 11.10.2017 in Crl.M.P.No. 2816 of 2017 shall remain intact.

21.12.2017

Index : Yes/No
Internet: Yes/No
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Note :Issue order copy on 22.12.2017

To

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
K-4,Anna Nagar Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J,
aav



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