

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28873 of 2017

Vinoth Kumar

..Petitioner/Accused No.4

Vs.

State: The Inspector of Police,
Traffic Investigation Wing (TIW),
Adyar, Chennai.
(Crime No. 570/AM2/2017)

..Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition is that the petitioner shall appear before the said court daily at 05.30 p.m for a period of one month in Crl.M.P.No. 18717 of 2017 by order dated 28.11.2017

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

ORDER

The prayer sought for in the present petition is to modify the condition to the petitioner shall appear before the said court daily at 05.30 p.m for a period of one month in Crl.M.P.No. 18717 of 2017 by order dated 28.11.2017.

2.Heard Mr.S.Sasikumar, learned counsel for the petitioner as well as Mr.C.Iyyappa Raj, learned Additional Public Prosecutor 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 light of the above, the onerous condition directing the petitioner to appear before the XVIII Metropolitan Magistrate, Chennai daily at 5.30 p.m for a period of one month is without any basis. Hence, the order passed in paragraph No. 7(iii) in Crl.M.P. No.18717 of 2017 dated 28.11.2017 by the learned Principal Sessions Judge, Chennai, is modified as follows:

“ the petitioner shall report before the respondent police as and when required.”

All other remaining conditions imposed in the order dated 28.11.2017 in Crl.M.P.No.18717 of 2017 shall remain intact.

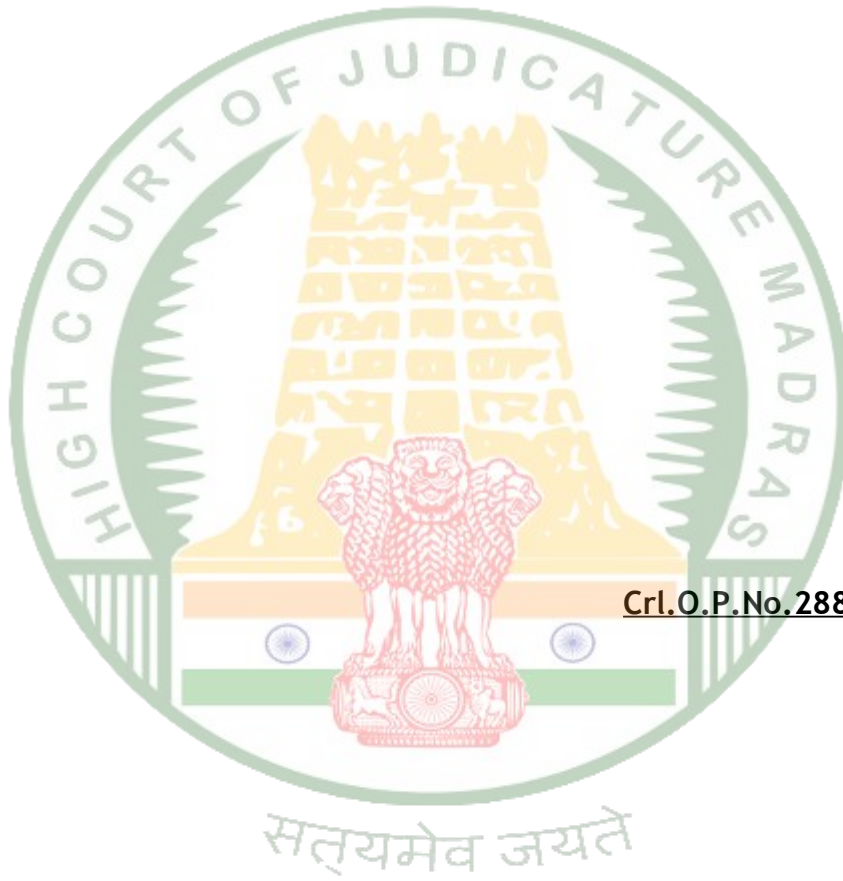
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Index:Yes/No
Internet: Yes/No
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Note: Issue order copy on 22.12.2017
To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The XVIII Metropolitan Magistrate,
Chennai
- 3.The Inspector of Police,
Traffic Investigation Wing (TIW),
Adyar, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J.,
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