

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 21.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.28874 of 2017**

Sanjai @ Dinesh Kumar ..Petitioner /Accused
Vs.

State rep. by
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.2687 /2017) ..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed by the learned Principal Sessions Judge Chennai made in Crl.M.P.No. 18289 of 2017 dated 22.11.2017 to the effect that the petitioner shall furnish sureties and bonds for Rs. 5000/- with two sureties one of them may be blood relation for the likesum to the satisfaction of the learned XVII Metropolitan Magistrate,Saidapet, Chennai instead of furnishing sureties for Rs.10,000/- with two sureties for like sum and that one must be Government Servant each for the like sum to the satisfaction of the said Court.

For Petitioner	: Mr.S.Palanivel
For Respondent	: Mr.C.Iyyappa Raj Additional Public Prosecutor

ORDER

The petitioner, who had been arrayed as an accused in Crime No.2687 of 2017 was granted bail on pre-condition to produce one blood related surety to the accused by the learned Principal Session Judge, Chennai on 16.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.Palanivel, learned counsel appearing for the petitioner and Mr.C.Iyyappa Raj, 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 CrI.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 no.7 (iii) imposed on the petitioner in Crl.M.P.No.17928 of 2017 by its order dated 16.11.2017 shall stand modified as follows:

"The petitioner/accused shall execute a bond for Rs.10,000/- along with two sureties each for the likesum to the satisfaction of the learned XVII Metropolitan Magistrate, Chennai."

All other conditions imposed in the order dated 16.11.2017 in Crl.M.P.No.17928 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

M.S.RAMESH.J,
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To

1. The Principal Sessions Judge,
Chennai.
2. The XVII Metropolitan Magistrate,
Chennai.
3. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.28874 of 2017

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