

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28876 of 2017

T.Rajendran

..Petitioner/Accused

Vs.

State: The Inspector of Police,
Central Crime Branch,
Team-IV, Wing-II,
Vepery, Chennai-7

..Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition to the petitioner shall report before the Judicial Magistrate No.I, Coimbatore instead of the order passed by the Hon'ble Principal Sessions Judge, Chennai in Crl.M.P.No. 18781 of 2017 on 04.12.2017.

For Petitioner : Mr.S.Prabudoss

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

ORDER

The prayer sought for in the present petition is to modify the condition imposed in Crl.M.P.No. 18781 of 2017 by its order dated 04.12.2017 passed by the Principal Sessions Judge, Chennai that the petitioner shall appear before investigation officer daily at 10.30 a.m for a period of one month. Seeking to modify, the present petition is filed.

2. Heard Mr.S.Prabudoss, 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 *Thiruvazhagar 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 investigation officer daily at 10.30 a.m for a period of one month is modified as follows:

“ the petitioner shall report before the Judicial Magistrate No.I, Coimbatore daily at 10.30 a.m for a period of one month and thereafter as and when required.”

All other remaining conditions imposed in the order dated 04.12.2017 in Crl.M.P.No.18781of 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

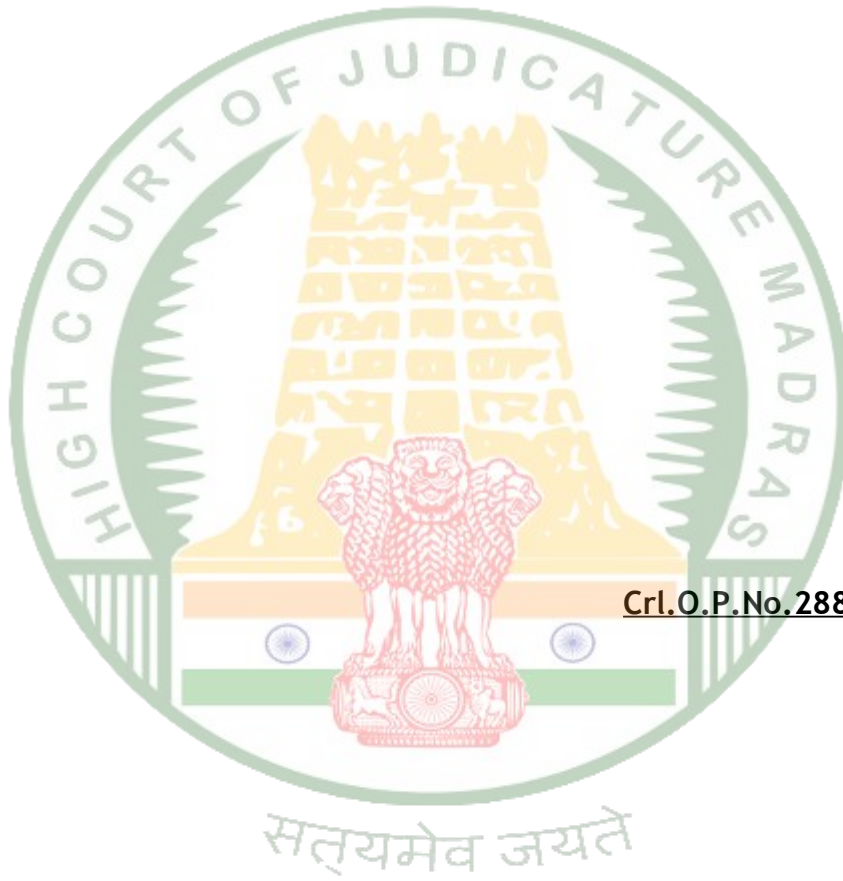
To

1.The Principal Sessions Judge,
Chennai.

2.The Inspector of Police,
Central Crime Branch,
Team-IV, Wing-II,
Vepery, Chennai-7

3.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J,
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