

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28944 of 2017

Indira

..Petitioner/Accused

Vs.

The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.
(Crime No. 1712 of 2017)

..Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition in Crl.M.P.No.18528 of 2017 on the file of the Principal Sessions Judge, Chennai dated 24.11.2017 in Crl.M.P.No.3691 of 2017 dated 31.08.2017 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.M.Kalyani

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

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सतर्कसे जयते
ORDER

The prayer sought for in the present petition is to modify the condition imposed in Crl.M.P.No.18528 of 2017 by its order dated 24.11.2017 passed by the Principal Sessions Judge, Chennai. Seeking to modify the same, 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 *Thiruvasagam 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 imposed in Crl.M.P.No.3691 of 2017 dated 31.08.2017 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai is modified in Crl.M.P.No.18528 of 2017 dated 24.11.2017 by the Principal Sessions Judge, Chennai, directing the

petitioner to deposit a sum of Rs.1,50,000/- to the credit of Crime No.1712 of 2017 shall stand modified as follows:

“the petitioner shall execute a bond of undertaking to the tune of Rs.1,50,000/- instead of depositing a sum of Rs.1,50,000/-.

All other remaining conditions imposed in the order dated 24.11.2017 in CrI.M.P.No.18528 of 2017 and CrI.M.P.No.3691 of 2017 dated 31.08.2017 shall remain intact.

21.12.2017

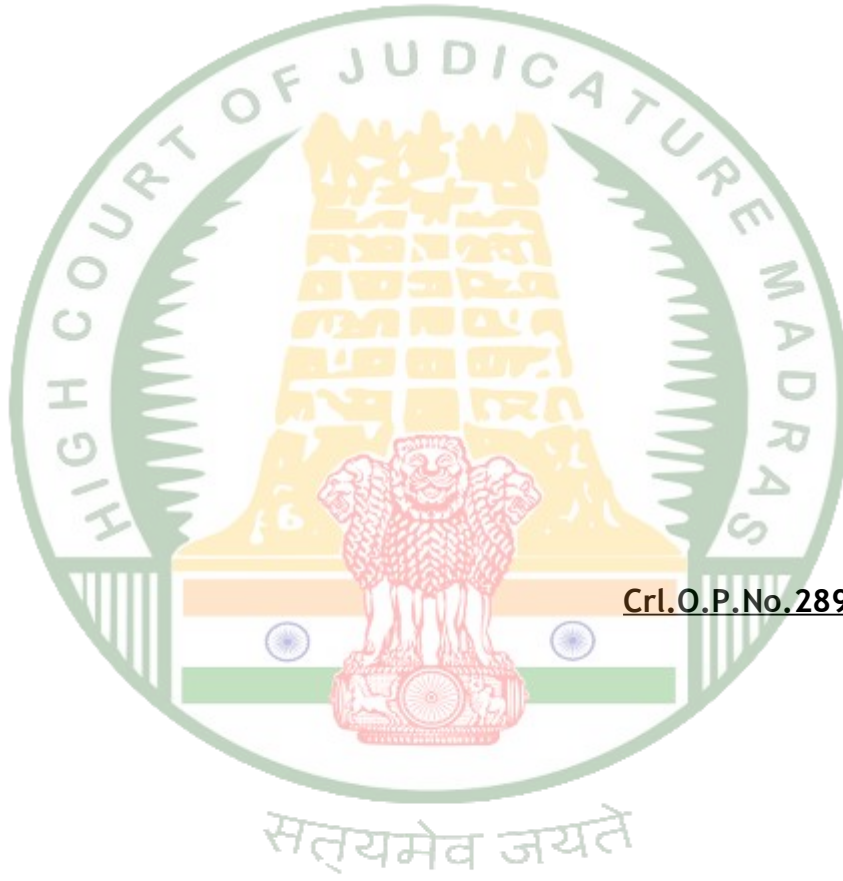
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Note :Issue order copy on 22.12.2017

To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J.,
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