

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.29279 of 2017

1. Thennarasu
2. Jayapal @ Ravi ..Petitioners /Accused
Vs.

State rep. by
The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District. ..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order and direct the learned Judicial Magistrate, Villupuram to accept the sureties as per the order in Crl.M.P. No. 8445 of 2017, dated 14.12.2017 passed by the learned Principal Sessions Judge, Villupuram without insisting the cash deposit of Rs.15,000/-.

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

O R D E R

The petitioners, who have been arrayed as accused in Crime No.1149 of 2017 was granted bail on pre-condition to deposit a sum of Rs.15,000/- by the learned Principal Sessions Judge, Villupuram on 14.12.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.Saravanakumar, 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 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 result, the Criminal Original Petition stands allowed. Consequently, the conditions imposed on the petitioner in Crl.M.P.No.8445 of 2017 by its order dated 14.12.2017 shall stand modified as follows:

"Petitioner shall execute a bond of undertaking to the tune of Rs.15,000/- instead of depositing a sum of Rs.15,000/-.

Petitioners are permitted to surrender before the learned Judicial Magistrate, Villupuram within a period of one week from the date of receipt of copy of this order."

All other conditions imposed in the order dated 14.12.2017 in Crl.M.P.No.8445 of 2017 shall remain intact.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Villupuram.
2. The Judicial Magistrate,
Villupuram.
3. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Saravanakumar, Advocate sr 92036.

Cr1.O.P.No.29279 of 2017

SSD(CO)
SP(18/01/2018)



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