

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 23.11.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.25482 of 2017**

1.Srinevasan

2.Vignashvaran

..Petitioners /Accused

Vs.

State represented by
The Inspector of Police,
P-5, M.K.B.Nagar Police Station,
Chennai.

(Crime No.1537 of 2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the bail order condition in Cr.No.1537 of 2017 in Crl.M.P.No.17385 of 2017 the modify the bail order on the petitioner shall also deposit a sum of Rs.25,000/- each to the credit of the before the said court and the final order in respect of the amount will be passed at the end of the criminal proceedings by the trial Court, on their executing a bond for Rs.10,000/- each with two sureties each for a like sum to the satisfactions of the Learned Vth Metropolitan Magistrate, Chennai.

For Petitioners

: Mr.C.G.Narendran

For Respondent

: Mr.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioner, who had been arrayed as an accused in Crime No.1537 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.25,000/- by the learned Principal Sessions Judge, Chennai on 14.11.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.C.G.Narendran, learned counsel appearing for the petitioners and Mr.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 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 imposed on the petitioner in CrI.M.P.No.17385 of 2017 by its order dated 14.11.2017 directing the petitioner to deposit a sum of Rs.25,000/- shall stand modified as follows:

“the petitioner shall execute a bond of undertaking to the tune of Rs.25,000/- instead of depositing a sum of Rs.25,000/-.

All other conditions imposed in the order dated 14.11.2017 in CrI.M.P.No.17385 of 2017 shall remain intact.

23.11.2017

Index : Yes
dh/dpq

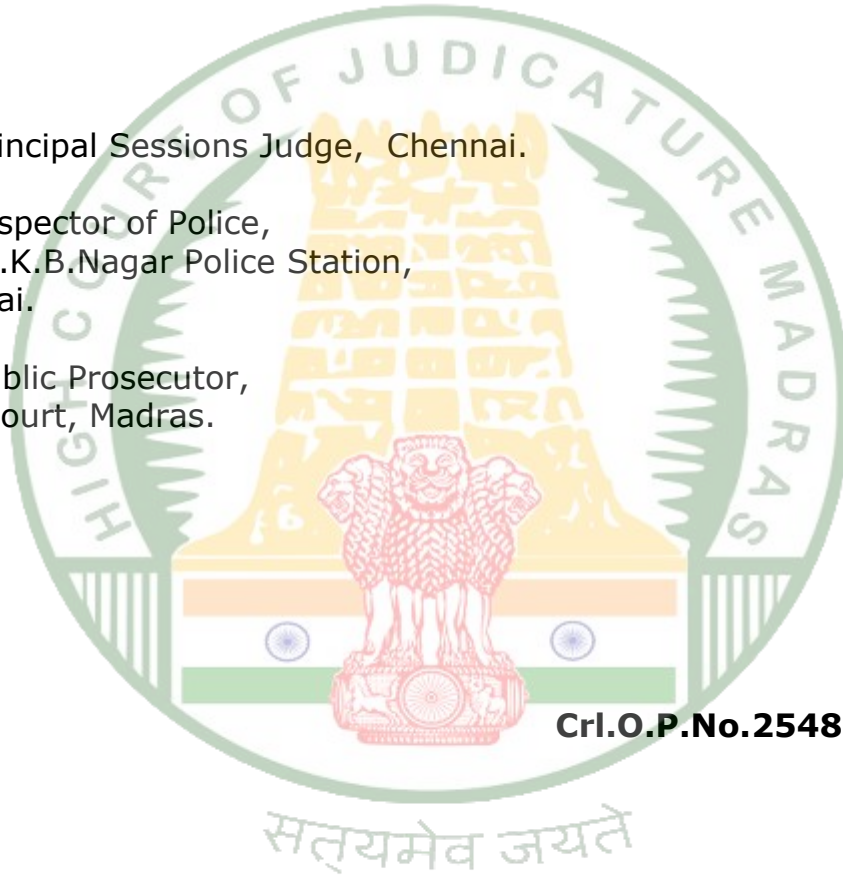
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M.S.RAMESH.J,

dh/dpq

To

- 1.The Principal Sessions Judge, Chennai.
- 2.The Inspector of Police,
P-5, M.K.B.Nagar Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.25482 of 2017

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