

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.7009 of 2018

Thirupathi

..Petitioner

Vs.

State Represented by
The Forest Ranger,
Alangayam Forest Range,
Alangayam, Thiruvannamalai District,
(Alangayam Forest Range
Misc., Crime No.255 of 2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition No.4 imposed on the petitioner herein by the learned Judicial Magistrate No.3, Thirupathur in C.M.P.No.1408 of 2017 vide the order dated 07.08.2017.

For Petitioner : Mr.S.Mani
For Respondent : Mrs.P.Kritika Kamal
Government Advocate(Crl side)

ORDER

This Criminal Original Petition has been filed by the petitioner to modify the condition condition No.4 imposed on the petitioner herein by the learned Judicial Magistrate No.3, Thirupathur in C.M.P.No.1408 of 2017 vide the order dated 07.08.2017

2.Heard Mr.S.Mani, learned counsel appearing for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. side) 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 condition No.4 imposed on the petitioner in C.M.P.No.1408 of 2017 by its order dated 07.08.2017 shall stand deleted and it shall be substituted as follows:

"the petitioner shall produce the vehicle before the learned Judicial Magistrate - III, Thirupathur as and when required."

6. All other conditions imposed in the order dated 07.08.2017 in C.M.P.No.1408 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate-III,
Thirupathur.

2.The Forest Ranger,
Alangayam Forest Range,
Alangayam, Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mani, Advocate Sr.No.21753

sm:9.4.2018

Cr1.O.P.No.7009 of 2018