

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.909 of 2018

Ramu @ Ramachandran

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,
K-10, Koyambedu Police Station (Crime)
Koyambedu, Chennai.
(Crime No.803 of 2014)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on the petitioner as that he has to deposit a sum of Rs.50,000/- to the credit of the Crime No.803 of 2014 in Crl.M.P.No.20666 of 2017 dated 03.01.2018 on the file of the Hon'ble Principal Sessions Judge, Chennai.

For Petitioner : Mr.S.Elavarasan

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

The petitioner, who had been arrayed as accused in Crime No.803 of 2014 was granted bail on pre-condition to deposit a sum of Rs.50,000/- by the learned Principal Sessions Judge, Chennai on 03.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.S.Elavarasan, 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 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 result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in Crl.M.P.No.20666 of 2017 by its order dated 03.01.2018 directing the petitioner to deposit a sum of Rs.50,000/- to the credit of Crime No. 803 of 2014 shall stand modified as follows:

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

All other conditions imposed in the order dated 03.01.2018 in Crl.M.P.No.20666 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge, Chennai.

2.The The Inspector of Police,
K-10, Koyambedu Police Station (Crime)
Koyambedu,Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Elavarasan, Advocate, S.R.No.2332

Crl.O.P.No.909 of 2018

RRK(12/01/2018)



सत्यमेव जयते

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