

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 7109 of 2018

1.Tamil @ Tamilarasan

2.Jeeva @ Jayachandiran

..Petitioners

Vs.

The State rep. by  
The Inspector of Police,  
All Women Police Station,  
Attur, Salem District.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the return endorsement in Crl.M.P.S.R.No.1455 of 2017 dated 21.11.2017 and pleaded to relax the condition imposed in Crl.M.P.No.1193 of 2017 dated 18.09.2017 passed by the learned Sessions Judge, Mahila Court, Salem, Salem District.

For Petitioners : Mr.E.Kannadasan  
For Respondent : Mrs.Kritika Kamal.P  
Government Advocate (Crl.Side)

O R D E R

The petitioners, who have been arrayed as accused in Crime No.04 of 2017, were granted bail by the learned Sessions Judge, Mahila Court, Salem, Salem District, in Crl.M.P.No.1193 of 2017 dated 18.09.2017 on pre-condition that the petitioners shall appear before the learned Sessions Judge, Mahila Court, Salem, daily at 10.00 a.m and sign until filing of charge sheet. Seeking to modify the same, the present petition has been filed.

2.Heard Mr.E.Kannadasan, learned counsel appearing for the petitioners and Mrs.Kritika Kamal.P, 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. The 3<sup>rd</sup> condition imposed on the petitioners in the order dated 18.09.2017 made in Crl.M.P.No.1193 of 2017 shall stand modified as follows:

" The petitioners shall appear before the respondent police as and when required"

All the other conditions imposed in the order dated 18.09.2017 in Crl.M.P.No.1193 of 2017 shall remain intact.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Sessions Judge,  
Mahila Court, Salem,  
Salem District.
2. The Inspector of Police,  
All Women Police Station,  
Attur, Salem District.

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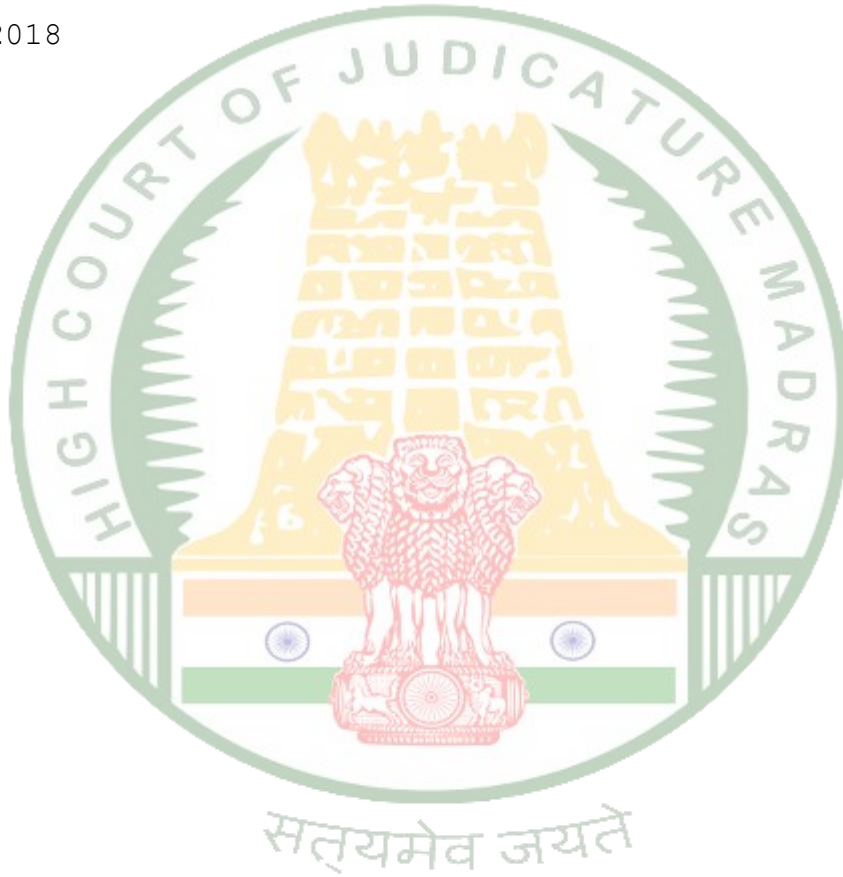
3. The Principal Sessions Judge,  
Salem.

4. The Public Prosecutor,  
High Court, Madras.

+ 1 cc to Mr.E.Kannadasan, Advocate Sr.No.20587

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SK(CO)  
VS 09/04/2018



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