

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8179 of 2018

Sathiya Prabu

..Petitioner /Accused

Vs.

State rep. by
Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
(Crime No.839 of 2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in Cr.M.P.No.371 of 2018 in Cr.M.P.No.262 of 2018 dated 05.03.2018 and relax the condition that he has to sign before the respondent police daily twice at 10.30 a.m and evening 5.00 p.m imposed by the Principal Sessions Judge, Tiruppur on the file of this Hon'ble Court.

For Petitioner : Mr.P.Lavanya

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

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.839 of 2017 was granted anticipatory bail by the learned Principal Sessions Judge, Tiruppur on 05.03.2018 on pre-condition to appear before the respondent police daily twice at 10.30 am and evening 5.00pm. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.P.Lavanya, learned counsel appearing for the petitioner and Mr.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 imposed on the petitioner in Crl.M.P.No.371 of 2018 in Crl.M.P.No.262 of 2018 by its order dated 05.03.2018 directing the petitioner to appear before the respondent police daily twice at 10.30 am and evening 5.00pm shall stand modified as follows:

" The petitioner shall appear before the respondent police daily twice at 10.30 am and evening 5.00pm as and when required ".

All other conditions imposed in the order dated 05.03.2018 in Crl.M.P.No.371 of 2018 in Crl.M.P.No.262 of 2018 shall remain intact.

Sd/-
Deputy Registrar(CO)

//True Copy//

Sub Assistant Registrar

vv

To

- 1.The Principal Sessions Judge, Chennai.
- 2.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
3. The Public Prosecutor, High Court, Madras.

Crl.O.P.No.8179 of 2018

RRK(17/04/2018)