

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 3168 of 2018

A.M.Sivasankar

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
Forgery Wing (Team 27)
Vepery, Chennai

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set-aside the order dated 19.01.2018 passed by the learned Chief Metropolitan Magistrate, Chennai in Crl.MP. No. 220 of 2018 and directed the Petitioner to appear before the respondent as and when required.

For Petitioner : Mr.M.Krishnamoorthy
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

The petitioner, who has been arrayed as accused in Crime No.273 of 2017, was granted bail by the learned Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.4627 of 2017 dated 03.01.2018 on pre-condition that the petitioner shall report and sign before the respondent police daily at 10.00am and 5.00 pm. Subsequently, the petitioner has filed a petition to relax the said condition, which came to modified on 19.01.2018 to the effect that the petitioner shall sign before the learned Chief Metropolitan Magistrate, Allikulam, Egmore daily at 10.30 am and 5.00pm until further orders. Seeking to set aside the the same, the present petition had been filed.

2.Heard Mr.M.Krishnamoorthy, learned counsel appearing for the petitioners and Mr. C.Raghavan, 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 conditions imposed on the petitioners in CrI.M.P.No.4627 of 2017 by its order dated 03.01.2018 shall stand modified as follows:

" The petitioner shall report before
the respondent police as and when
required"

All the other conditions imposed in the order dated 03.01.2018 in CrI.M.P.No.4627 of 2017 shall remain intact. Consequently, the modification order passed by the learned Chief Metropolitan Magistrate, Allikulam, Egmore, Chennai in CrI.M.P. No. 220 of 2018, dated 19.01.2018 is set aside.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Metropolitan Magistrate,
Allikulam, Egmore,
Chennai .

2.The Inspector of Police,
Central Crime Branch,
Forgery Wing (Team 27)
Vepery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Krishnamoorthy Advocate sr 8212

CrI.O.P.No.3168 of 2018

lrs(co)
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