

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 5192 of 2018

1.Muthu @ Muthukrishnan @ Vignesh

2.Balu @ Varun Balu

..Petitioners/Accused in
crl MP.1081/2018

Vs.

State rep. by

The Inspector of Police,
J-5, Sasthiri Nagar Police Station,
Chennai.

..Respondent/complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner in Crl.M.P.No.1081 of 2018 by its order dated 19.01.2018 passed by the learned Principal Sessions Judge, Chennai.

For Petitioners : Mr. A.L.Namasivayam

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

The petitioners, who have been arrayed as accused in Crime No.2211 of 2017, was granted bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.1081 of 2018 dated 19.01.2018 on pre-condition that the petitioners shall execute a bond for Rs.10,000/- each with two sureties, one must be a Government Servant, each for a likesum to the satisfaction of the learned IX Metropolitan Magistrate, Chennai. Seeking to modify the same, the present petition has been filed.

2.Heard Mr.A.L.Namasivayam, 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 condition imposed on the petitioners in the order dated 19.01.2018 made in CrI.M.P.No.1081 of 2018 shall stand modified as follows:

" The petitioners shall execute a bond for Rs.10,000/- each with any two sureties, each for a likesum to the satisfaction of the learned IX Metropolitan Magistrate, Chennai."

All the other conditions imposed in the order dated 19.01.2018 in CrI.M.P.No.1081 of 2018 shall remain intact.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
City Civil Court, Chennai
2. The IX Metropolitan Magistrate, Chennai.
3. The Inspector of Police,
J-5, Sasthiri Nagar Police Station, Chennai
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.AL.NAMASIVAYAM Advocate, S.R.No. 13564

CrI.O.P.No.5192 of 2018

SSR(CO)
TR(05/03/2018)