

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.5197 of 2018

1.Muthu @ Muthukrishnan @ Vignesh

2.Ajith @ Ajith Kumar

... Petitioners /Accused in
Crl.M.P.No.1855 of 2018

Versus

State rep.by
The Inspector of Police,
J-2, Adyar Police Station, Chennai.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. Praying for General Directions to the Principal Session Judge, Chennai that the order dated 19.01.2018 in Crl.M.P.No.1080 & 1085 of 2018 and another order of 02.02.2018 in Crl.M.P.No.1855 of 2018 be modified on the file of the Principal Session Judge, Chennai that petitioners may be permitted to be enlarged on bail furnishing surety of Rs.10,000/- of their own bond and a like sum also and they be allowed to surrender before the XIV Metropolitan Magistrate, Allikulam, Chennai -3.

For Petitioner : Mr.A.L.Namasivayam

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

ORDER

The prayer in the present petition is filed for General Directions to the Principal Session Judge, Chennai that the order dated 19.01.2018 in Crl.M.P.No.1080 & 1085 of 2018 and another order of 02.02.2018 in

Crl.M.P.No.1855 of 2018 be modified on the file of the Principal Session Judge, Chennai that petitioners may be permitted to be enlarged on bail furnishing surety of Rs.10,000/- of their own bond and a like sum also and they be allowed to surrender before the XIV Metropolitan Magistrate, Allikulam, Chennai -3.

2. Heard Mr.A.L.Namasivayam, 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 ***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 conditions 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 no.7 (ii) imposed on the petitioner in Crl.MP.No.1080 of 2018 to release on bail on their executing 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, shall stand modified as follows:

“The petitioner shall be released on bail on their executing a bond for Rs.10,000/- each along with two sureties for a likesum for the satisfaction of the learned IX Metropolitan Magistrate, Chennai”

6. The condition no.7(iii) imposed on the petitioners in CrI.MP.No.1080 of 2018 directing to appear before the jurisdictional Magistrate daily at 10.30 a.m. for one month and in CrI.MP.No.1855 of 2018 directing the petitioners to stay at Vellore and appear before the Inspector of Police, Vellore Town Police daily at 10.30 a.m., for one month, shall stand modified as follows:

“The petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.”

7. All other conditions imposed in the orders in CrI.MP. No. 1080 of 2018 dated 19.01.2018 and in CrI.M.P.No.1855 of 2018 dated 02.02.2018 shall remain intact.

20.03.2018

Index : Yes/No
Internet : Yes/No
klt

<http://www.judis.nic.in>

Note: Issue order copy on 21.03.2018

M.S.RAMESH.J.

klt

To

- 1.The Principal Session Judge, Chennai
- 2.The XIV Metropolitan Magistrate, Allikulam, Chennai -3.
- 3.The Inspector of Police,
J-2, Adyar Police Station, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.5197 of 2018

WEB COPY

20.03.2018