

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.9265 of 2018

1. Sundararaju
2. Devaki
3. Komathi

... Petitioners/Accused

Vs

State rep by
Inspector of Police,
W-21 Guindy All Women Police Station,
Chennai.

(Crime No.3 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C, prayed to modify the condition in Crl.M.P.No.3519 of 2018 dated 28.02.2018 that the petitioners should appear before the IX Metropolitan Magistrate at Saidapet, Chennai daily at 10.30a.m for a period of one month passed by the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.N.S.Amarnath

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

The prayer sought for in the present petition is to modify the condition passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.3519 of 2018 on 28.02.2018.

2. The petitioners, who have been arrayed as an accused A-2 to A-4 in Crl.M.P.No.3519 of 2018 was granted anticipatory bail by the Principal Sessions Judge, Chennai on 28.02.2018 on condition that the accused 2 to 4 shall appear before the IX Metropolitan Magistrate at Saidapet, Chennai daily at 10.30a.m for a period of one month. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.N.S.Amarnath, 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. Consequently, the condition imposed on the petitioners in Crl.M.P.No.3519 of 2018 by its order dated 28.02.2018, directing the petitioners to appear before IX Metropolitan Magistrate at Saidapet, Chennai daily at 10.30a.m for a period of one month passed by the learned Principal Sessions Judge, Chennai shall stand modified as follows:

" The petitioner shall appear before the
IX Metropolitan Magistrate at Saidapet,
Chennai as and when required ".

All other conditions imposed in the order dated 28.02.2018 in Crl.M.P.No.3519 of 2018 shall remain intact.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

vv

To

1. The Principal Sessions Judge,
Chennai.

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2. The IX Metropolitan Magistrate,
Saidapet, Chennai
3. The Inspector of Police,
W-21 Guindy All Women Police Station,
Chennai.
4. The Chief Metropolitan Magistrate
Egmore, Chennai.
5. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.N.S. Amarnath, Advocate sr 22150.

Crl.O.P.No.9265 of 2018

RV(CO)
SP(28/04/2018)



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