

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 6104 of 2018

1.Prakash @ Jayaprakash
2.Sasikumar @ Sasi @ Samukutty
3.Kannan @ Kannappan ..Petitioners

Vs.

State rep. by
The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(In Crime No.55 of 2018) ..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition (i.e) the petitioner may be direct to appear on summons instead of the condition imposed in Crl.M.P.No.416 of 2018 dated 12.02.2018.

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

O R D E R

The petitioners, who have been arrayed as accused in Crime No.55 of 2018, was granted bail by the learned Principal District & Sessions Judge, Coimbatore in Crl.M.P.No.416 of 2018 dated 12.02.2018 on pre-condition that the petitioners are directed to appear before the respondent/police daily at 10.00 a.m for a period of 30 days. Seeking to modify the same, the present petition has been filed.

2.Heard Mr.P.Kalimuthu, learned counsel appearing for the petitioners and Mrs.Kritika Kamal.P, 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 Thiruvvasagam 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 12.02.2018 made in CrI.M.P.No.416 of 2018 shall stand modified as follows:

" The petitioners are directed to appear before the respondent/police as and when required"

All the other conditions imposed in the order dated 12.02.2018 in CrI.M.P.No.416 of 2018 shall remain intact.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
2. The learned Principal District & Sessions Judge,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.6104 of 2018

RK(CO)
TR(15/03/2018)