

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 6292 of 2018

Sivashankaran

..Petitioner

Vs.

State rep. by
The Inspector of Police,
R-10, M.G.R Nagar Police Station,
Chennai.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to grant and modify the condition imposed by the learned Principal Sessions Judge, Chennai in Crl.MP. No. 3197 of 2018. The one among the condition imposed in Para No.7(iii) of the order is that the petitioner shall directed to deposit title deed worth about Rs.5 lakh before the court concerned to any other Surety.

For Petitioner : Mr.G.Ashok Kumar
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

The petitioner, who has been arrayed as 2nd accused in Crime No. 74 of 2018, was granted bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.No. 3197 of 2018 dated 23.02.2018 on pre-condition that the petitioner is directed to deposit title deed worth about Rs.5 lakhs before the court concerned. Seeking to modify the the same, the present petition had been filed.

2.Heard Mr.G.Ashok Kumar, learned counsel appearing for the petitioner 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 no. 7(iii) imposed on the petitioner herein by the learned Principal Sessions Judge, Chennai in CrI.M.P.No.3197 of 2018 dated 23.02.2018 that "the petitioner is directed to deposit title deeds worth about Rs. 5 lakhs before the court concerned" shall stand deleted. All other conditions imposed in the order dated 23.02.2018 in CrI.M.P.No.3197 of 2018 shall remain intact.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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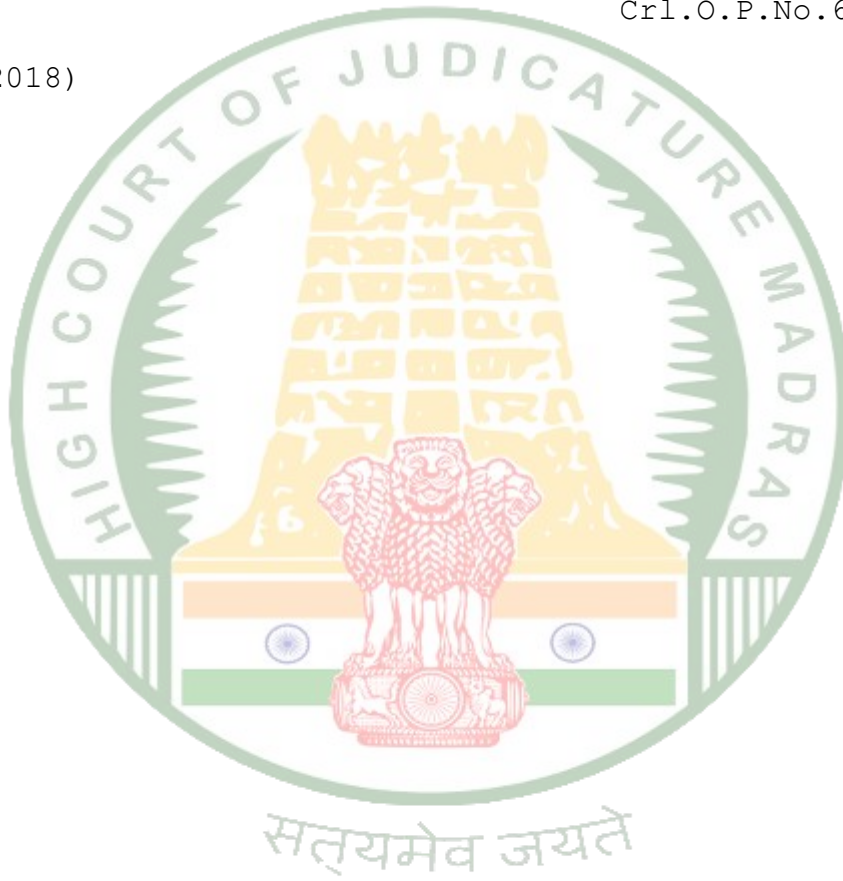
1. The Principal Sessions Judge,
City Civil Court, Chennai.
2. The XXIII Metropolitan Magistrate,
Chennai.
3. The Inspector of Police,
R-10, M.G.R Nagar Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent, Sub Jail, Saidapet
Chennai.

+1 Cc to Mr.G. Ashok Kumar, Advocate sr 16581

Cr1.O.P.No.6292 of 2018

SP(05/03/2018)



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