

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6376 of 2018

Kumar

..Petitioner

Vs.

State rep. by

The Inspector of Police,
Erumbulikurichi Police Station,
Jayankondam, Ariyalur.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to relax the condition No.5 imposed in Crl.M.P.No.4471 of 2017 by the Judicial Magistrate No.1 Jayankondam dated 14.12.2017.

For Petitioner : Mr.M.R.Franklin

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

O R D E R

This Criminal Original Petition has been filed to relax the condition No.5 imposed in Crl.M.P.No.4471 of 2017 by the Judicial Magistrate No.1 Jayankondam dated 14.12.2017 to the effect that "the petitioner shall produce the property before this Court first working day of every English Calender month until further orders" .

2.Heard Mr.M.R.Franklin, learned counsel appearing for the petitioner and Mrs.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 Thiruvassagam 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 onerous condition and in view of the stand taken in the aforesaid order, the present petition seeking for relaxation also requires consideration.

5. In the result, the Criminal Original Petition stands allowed. The condition No. 5 imposed on the petitioner herein by the learned Judicial Magistrate in Crl.M.P.No.4471 of 2017 dated 14.12.2017 that " the petitioner shall produce the property before this Court first working day of every English Calender month until further orders" shall stands deleted. All other conditions imposed in the order dated 14.12.2017 in Crl.M.P.No.4471 of 2017 shall remain intact.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

vv

To

1. The Judicial Magistrate No.1,
Jayamkondam, Ariyalur.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.P.Franklin, Advocate SR.NO. 18549

Crl.O.P.No.6376 of 2018

JK 22/03/18

सत्यमेव जयते

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