

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.840 of 2018

Elumalai

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Olakur Police Station,
Villupuram District.
(Crime No.404/2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on petitioner in Crl.M.P.No.8049 of 2017 dated 24.11.2017 by the Hon'ble Sessions Division ,Villupuram

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

O R D E R

The petitioner, who had been arrayed as accused in Crime No.404 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.55,000/- as a cash security before the lower court by the learned Principal Sessions Judge, Villupuram on 24.11.2017 Seeking to modify the same, the present petition had been filed.

2.Heard G.Mohammed Aseef, 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 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 petitioner in CrI.M.P.No.8049 of 2017 by its order dated 24.11.2017 directing the petitioner to deposit a sum of Rs.55,000/- as cash security before the lower court to the credit of Crime No.404 of 2017 shall stand modified as follows:

"the petitioners shall execute a bond of undertaking to the tune of Rs.55,000/- instead of depositing a sum of Rs.55,000/- as cash security.

All other conditions imposed in the order dated 24.11.2017 in CrI.M.P.No.8049 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Villupuram

2.The Inspector of Police,
Olakur Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.840 of 2018

RRK(12/01/2018)

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