

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.3388 of 2018

Elaya Raja

... Petitioner

Vs

The State rep. by
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.
(Crime No.999 of 2017)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to modify the 3rd condition imposed by the learned Principal Sessions Judge at Chennai in Crl.M.P.No.1408 of 2018 dated on 31.01.2018.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

The petitioner, who has been arrayed as accused in Crime No.999 of 2017 was granted bail by the learned Judicial Principal Sessions Judge, Chennai on 31.01.2018 on pre-condition to deposit a sum of Rs.3,00,000/-. Seeking to modify the same, the present petition has been filed.

2.Heard Mr.S.Sugendran, 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 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. Consequently, the third condition imposed on the petitioner in Crl.M.P.No.1408 of 2018 by its order dated 31.01.2018 directing the petitioner to deposit a sum of Rs.3,00,000/- shall stand modified as follows:

"The petitioner shall execute a bond of undertaking to the tune of Rs.3,00,000/- instead of depositing a sum of Rs.3,00,000/-.

All other conditions imposed in the order dated 31.01.2018 in
Crl.M.P.No.1408 of 2018 shall remain intact.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

nmm

To

1.The learned Principal Session Judge,
Chennai.

2.The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sugendran, Advocate, S.R.No.8679

RRK(07/02/2018)

Crl.O.P.No.3388 of 2018



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