

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.9496 of 2018

Kasinathan

... Petitioner/ Accused

Versus

The State rep.

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

... Respondent / Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition no.5 imposed in Crl.M.P.No.4470 of 2017 by the Judicial Magistrate No.I, (FAC) Jayamkondam dated 14.12.2017.

For Petitioner : Mr.M.R.Franklin

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

O R D E R

The petitioner, who was arrayed as accused in Crime No.177 of 2017 was granted interim custody of his vehicle no. TN-61-2729 Mahendra & Mahendra Tractor pre-condition that he shall to produce the property before the Trial Court on the first day of every English Calender month until further orders. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.M.R.Franklin, 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 ratio 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 conditions imposed by the Trial Court is similar onerous conditions and in view of the aforesaid order, the present petition seeking for modification, also requires consideration.

5. In view of the condition no.5 imposed in Crl.M.P.No.4470 of 2017 dated 14.12.2017, while directing the release of vehicle is contrary to the condition no.7 in the above said order. Hence, the condition no.5 shall be stands deleted.

6. All other conditions imposed in the order dated 14.12.2017 in Crl.M.P.No.4470 of 2017 shall remain intact.

7. With the above observations this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

klr

To

1.The Judicial Magistrate No.I, (FAC) Jayamkondam.

2.The Inspector of Police,
Erumbulikurichi Police Station,
Jayakondam,
Ariyalur.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.R.Franklin, Advocate, S.R.No.23098

Crl.O.P.No.9496 of 2018

RRK(28/03/2018)