

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6556 of 2018

M.Ranganathan

... Petitioner /Accused

Versus

The Inspector of Police, (Crimes)

MGR Nagar Police Station,

MGR Nagar,

Chennai - 600 078.

(Crime No.74 of 2018)

Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner in Crl.M.P.No.3288 of 2018 by its order dated 23.02.2018 passed by the learned Principal Sessions Judge, Chennai in respect of the condition No.(iii) to deposit title deeds worth about Rs.5 lakhs before the court concerned.

For Petitioner : Mr.K.A.Mariappan

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

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.74 of 2018 was granted bail on pre-conditions to deposit title deeds worth about Rs.5 lakhs before the court concerned and to report before the Investigating Officer daily at 10.30 am until further orders. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.K.A.Mariappan, 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 conditions 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 no. 7(iii) directing the petitioner to deposit title deeds worth about Rs.5 lakhs before the court concerned shall be deleted and the condition no. 7(iv) directing the petitioner to report before the Investigating Officer daily at 10.30 a.m. until further orders shall stand modified as follows:

"The petitioner shall appear before the Investigating Officer daily at 10.30 a.m for a period of 30 days and thereafter, as and when required."

All other conditions imposed in the order dated 23.02.2018 in CrI.M.P.No.3288 of 2018 shall remain intact.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

klt/at

To

1.The Principal Sessions Judge, Chennai.

2.The Inspector of Police, (Crimes)

MGR Nagar Police Station,

MGR Nagar,

Chennai - 600 078.

3.The Public Prosecutor,
High Court, Madras.

4.The 23rd Metropolitan Magistrate,
Saidapet, Chennai-15.

CrI.O.P.No.6556 of 2018

GN(02/03/2018)