

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8652 of 2018

1. Vinoth@ Vinothkumar
2. Thangayee

..Petitioners

Vs.

State rep. by
The Inspector of Police,
Namakkal Police Station,
Namakkal
(Crime No.147/2018)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition as far as the deposit of Rs.50,000/- each is concerned in the order dated 06.03.2018 in CMP No.293 of 2018 passed by the principal Sessions Judge, Namakkal.

For Petitioners : Mr.R.Nalliyappan

For Respondent : Mr.C.Raghavan

Government Advocate(Crl side)

O R D E R

The petitioner, who have been arrayed as an accused in Crime No.147 of 2018 were granted anticipatory bail on pre-condition to deposit a sum of Rs.50,000/-each by the learned Principal Sessions Judge, Namakkal on 06.03.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioners 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 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 C.M.P.No.293 of 2018 by its order dated 06.03.2018 directing the petitioner to

i) deposit a sum of Rs.50,000/- each as cash security before the concerned Judicial Magistrate Court shall stand deleted.

ii) the petitioner should stay at Karur and sign before the Karur Town Police station daily at 10:00 a.m for about 15 days is modified to the effect that the petitioner shall appear before the respondent police for the period of 30 days daily at 10:30 a.m, thereafter as and when required.

6. All other conditions imposed in the order dated 06.03.2018 in C.M.P.No.293 of 2018 shall remain intact.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

smn

To

1.The Principal Sessions Judge, Namakkal.

2.The Judicial Magistrate No.1, Namakkal.

3.The Inspector of Police, Namakkal Police Station, Namakkal.

4.The Public Prosecutor, High Court, Madras.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.21362

Cr1.O.P.No.8652 of 2018

KJI (CO)

RRK (22/03/2018)