

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.968 of 2018

1. Athira Varghese
2. Jessy Varghese

..Petitioners /Accused

Vs.

State rep. by
The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
T.Nagar, Chennai- 600 017.

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed in Crl.M.P.No. 74 of 2018 dated 06.01.2018 by the learned Additional Chief Metropolitan Magistrate (E.O.II) Egmore at Allikulam, Chennai in RR.No. 16 of 2017 on the file of the respondent.

For Petitioner : Mr.D.Gopikrishnan
For Respondent : Mr.N.P.Kumar
Special Public Prosecutor

O R D E R

The petitioners, who have been arrayed as an accused in R.R.No.16 of 2017 was granted bail on pre-condition to produce two sureties each to the value of Rs.50,000/- showing property in their name to the satisfaction of the court and to deposit her passport before the court by the learned Additional Chief Metropolitan Magistrate, (E.O.II) Egmore at Allikulam, Chennai on 06.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.D.Gopikrishnan, learned counsel appearing for the petitioners and Mr.N.P.Kumar, learned Special Public Prosecutor 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 condition no.7 (ii) and (iii) imposed on the petitioners in CrI.M.P.No.74 of 2018 by its order dated 06.01.2018 shall stand deleted and modified to the effect that :

"The petitioners/accused shall execute a bond for Rs.50,000/- along with two sureties each for the likesum to the satisfaction of the learned Additional Chief Metropolitan Magistrate, (E.O.II) Egmore at Allikulam, Chennai."

All other conditions imposed in the order dated 06.01.2018 in CrI.M.P.No.74 of 2018 shall remain intact.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Additional Chief Metropolitan Magistrate, (E.O.II) Egmore at Allikulam, Chennai
2. The Senior Intelligence Officer, Directorate of Revenue Intelligence, T.Nagar, Chennai- 600 017

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.D.Gopikrishnan, advocate sr 2837.

CrI.O.P.No.968 of 2018

SP (12/01/2018)



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