

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.7704 of 2018

Kullu @ Muthu

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,

Taluk Police Station,

Tiruvallur District

(Crime No.86 of 2018)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on him by the learned Principal District and Sessions Judge, Tiruvallur, Tiruvallur District to the effect that the petitioner shall not be insisted to deposit the 50% of the value of the property i.e. to the tune of Rs.73,100/- (Rupees Seventy Three Thousand One Hundred only) as ordered in Crl.M.P.No.1092 of 2018 by the order dated 05.03.2018.

For Petitioner : Mr.E.C.Murali

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.86 of 2018 was granted anticipatory bail on pre-condition by imposing some conditions in Crl.M.P.No.1092 of 2018 on the file of the learned Principal District and Sessions Judge at Tiruvallur on 05.03.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.E.C.Murali, 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 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. Hence, the operative portion of the order dated 05.03.2018 passed in Crl.M.P.No.1092 of 2018 is set aside. Consequently, the petitioner is ordered to be released on bail, in the event of his arrest or upon the surrender before the learned Judicial Magistrate-I, Thiruvallur, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) along with two sureties for a like sum of each to the satisfaction of the learned Judicial Magistrate-I, Thiruvallur within a period of 10 days from the date of receipt of a copy of this Order. There shall be a further condition that the petitioner shall appear before the respondent police daily at 10.30 am for the period of 30 days and thereafter, as and when required.

6. With the above observation, the Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Tiruvallur, Tiruvallur District.

2. The Judicial Magistrate-i, Thiruvallur,
Thiruvallur District

3.The Inspector of Police,
Taluk Police Station,
Tiruvallur District

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.D. Thanud Kumst, Advocate Sr.19388

Crl.O.P.No.7704 of 2018

(CS-IX)
EU(19/03/2018)