

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 08.03.2018****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.6731 of 2018**

Thenmozhi

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Anti Vice Squad,
Chintadripet, Chennai-2.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed by the learned IV Metropolitan Magistrate, Saidapet, Chennai-15 in Crl.M.P.No.218 of 2018 dated 20.02.2018 by modifying the order of producing blood surety .

For Petitioner : Mr.P.Iyyappan

For Respondent : Mrs.P.Kritika Kamal,
Government Advocate (Crl. side)**ORDER**

The petitioner, who had been arrayed as an accused in Crime No.13 of 2018 was granted bail by imposing preconditions by the learned IV Metropolitan Magistrate, Saidapet, Chennai-15, on 20.02.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.P.Iyyappan, learned counsel appearing for the petitioner and Mrs.P.Kritika Kamal, 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 by the learned

IV Metropolitan Magistrate, Saidapet, Chennai-15 in CrI.M.P.No.218 of 2018 on 20.02.2018 directing the petitioner to produce two sureties out of which, one should be a blood relative shall stand modified as follows:

“the petitioner shall execute a bond
for a sum of Rs.10,000/- along with two
sureties each for a like sum to the
satisfaction of the concerned Magistrate”.

6. All other conditions imposed in the order dated 20.02.2018 in CrI.M.P.No.218 of 2018 shall remain intact.

08.03.2018

Note: Issue order copy **on 09.03.2018**

Index : Yes/No

Internet : Yes/No

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To

1.The IV Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
Anti Vice Squad,
Chintadripet, Chennai-2.

3.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH.J,
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