

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6764 of 2018

Semalai

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,
Mulanur Police Station,
Dharapuram Taluk,
Tiruppur District.
(Crime No.391 of 2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition that the petitioner should deposit Rs.30,000/- in Judicial Magistrate Court, Dharapuram imposed in Cr.M.P.No.288 of 2018 dated 15.02.2018 by Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.N.Ponraj
For Respondent : Mr.C.Raghavan

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.391 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.30,000/- by the learned Principal Sessions Judge, Tiruppur on 15.02.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.N.Ponraj, 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 Thiruvazhagar 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 Crl.M.P.No.288 of 2018 by its order dated 15.02.2018 directing the petitioner to deposit a sum of Rs.30,000/- shall stand deleted and the condition directing the petitioner to report twice daily before the respondent police is modified as follows:

"the petitioner shall report twice daily before the respondent police at 10.30 a.m and 5.00 p.m for a period of 30 days and thereafter, as and when required."

All other conditions imposed in the order dated 15.02.2017 in Crl.M.P.No.288 of 2018 shall remain intact.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

AT

To

1. The Principal Sessions Judge, Tiruppur.

2. The Inspector of Police,
Mulanur Police Station,
Dharapuram Taluk,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

4.The Judicial Magistrate Court,
Dharapuram.

+1cc to Mr.N.Ponraj, Advocate sr.no.17346

Crl.O.P.No.6764 of 2018

nr 14/03/2018