

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 5796 of 2018

S.Manjula

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Anti Vice Squad-II, CCB,
Chennai.
(Crime No.3 of 2018)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to grant and modify the condition imposed on this petitioner by the learned Principal District and Sessions Judge, Thiruvallur in Crl.MP. No. 621 of 2018 dated 14.02.2018 "to stay at Villupuram and report before the Villupuram Town Police daily at 10.30 am until further orders".

For Petitioner : Mr.V.Vargees Amar Raja

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

The petitioner, who has been arrayed as accused in Crime No.3 of 2018, was granted Anticipatory Bail by the learned Principal District and Sessions Judge, Tiruvallur in Crl.M.P.No. 621 of 2018 dated 14.02.2018 on pre-condition that the petitioner shall stay at Villupuram and report before the Villupuram Town Police daily at 10.30 am until further orders. Seeking to set aside the the same, the present petition had been filed.

2.Heard Mr.V.Vargees Amar Raja, 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 CrI.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. The conditions imposed on the petitioners in CrI.M.P.No.621 of 2018 by its order dated 14.02.2018 shall stand modified as follows:

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

All the other conditions imposed in the order dated 14.02.2018 in CrI.M.P.No.621 of 2018 shall remain intact.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Thiruvallur.

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

3.The Public Prosecutor, High Court, Madras.

4.The Town Police Station Villupuram.

+lcc to Mr.V.Vargees Amalraja, Advocate, S.R.No.14724

CrI.O.P.No.5796 of 2018

RRK(28/02/2018)