

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6869 of 2018

Mary Roselin

..Petitioner

Vs.

State represented by
The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition in C.M.P.No.7128 of 2017 by the learned Judicial Magistrate, Alandur.

For Petitioner : Mr.T.Muthukrishnan

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

O R D E R

This Criminal Original Petition has been filed by the petitioner to modify the condition in C.M.P.No.7128 of 2017 by the learned Judicial Magistrate, Alandur.

2.Heard Mr.T.Muthukrishnan, 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. Today, the petitioner has filed an affidavit dated 21.03.2018 undertaking to produce the original Registration Certificate Book within fifteen days from the date when the custody of the car handed over to her.

6. Recording the statement made in the petitioner's affidavit, the condition in clause 5(2) in the order dated 19.01.2018 passed in C.M.P.No.7128 of 2017 on the file of the learned Judicial Magistrate, Alandur shall stand modified to the effect that the peititioner shall produce the photograph of the vehicle. All other conditions imposed in the order dated 19.01.2018 in C.M.P.No.7128 of 2017 shall remain intact.

7. With the above observation, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Alandur

2.The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Muthukrishnan, Advocate, S.R.No.21918

Cr1.O.P.No.6869 of 2018

RRK(05/04/2018)