

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.5961 of 2018

Jatty @ Vinoth Kumar

..Petitioner

Vs.

State rep. by

1. The Inspector of Police,
E-4 Abhiramapuram Police Station,
Chennai.

2. The Inspector of Police,
Vellore Town Police Station,
Vellore.

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to and modify the condition imposed on this petitioner by the learned Principal Sessions Judge, Chennai in Crl.MP. No. 1055 of 2018 dated 19.01.2018 by directing the petitioner to report before the 1st respondent instead of 2nd respondent.

For Petitioner : Mr.AR.M.Arunachalam

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. 1058 of 2017, was granted bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.No. 1055 of 2018 dated 19.01.2018 on pre-condition that the petitioner shall stay at Vellore and appear before the Inspector of Police, Vellore Town Police Station daily at 10.30. a.m. for one month. Seeking to set aside the the same, the present petition had been filed.

2.Heard Mr.AR.M.Arunachalam, 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 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. The conditions imposed on the petitioners in Crl.M.P.No.1055 of 2018 by its order dated 19.01.2018 shall stand modified as follows:

" The petitioner shall report before the first 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 19.01.2018 in Crl.M.P.No.1055 of 2018 shall remain intact.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Chennai.
2. The Inspector of Police,
E-4 Abhiramapuram Police Station,
Chennai.

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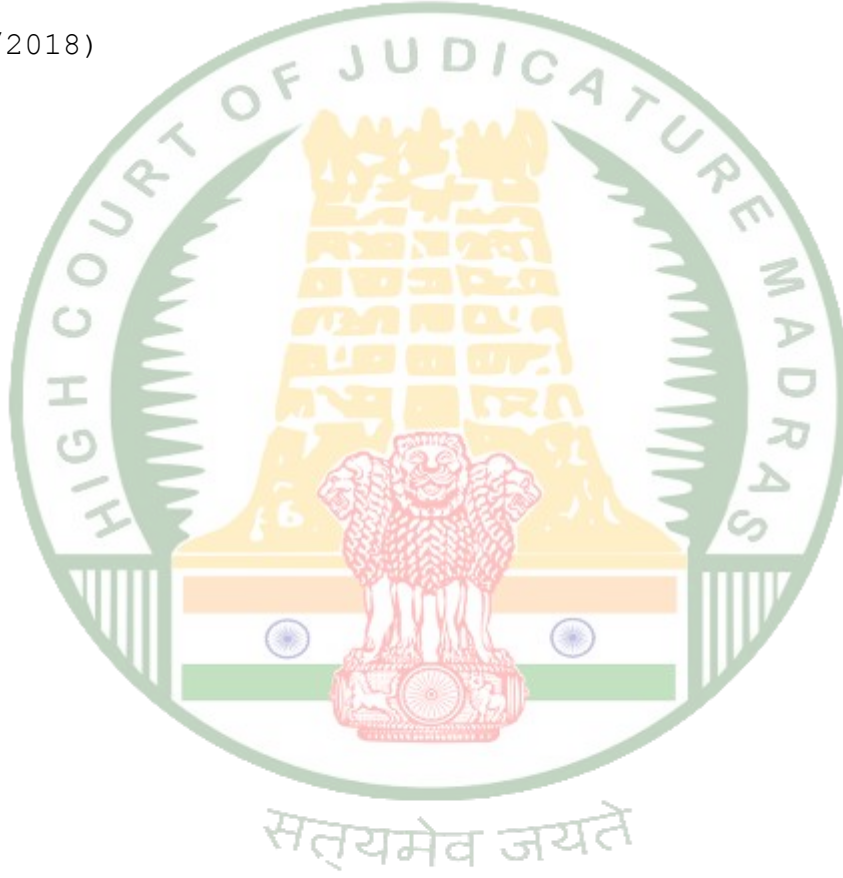
3. The Inspector of Police,
Vellore Town Police Station,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.AR.Arunachalam, Advocate, S.R.No.5961

Cr1.O.P.No.5961 of 2018

RRK(28/02/2018)



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