

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2107 of 2018

Mr.Ramachandran

..Petitioner

Vs.

The State represented by
The Deputy Superintendent of Police,
EOW - II, Vellore.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order dated 04.12.2017 in Crl.M.P.No.1668 of 2017 passed by the Hon'ble Special Court, TNPID Cases, Chennai.

For Petitioner : Mr.Nithyaesh

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

ORDER

The petitioner, who had been arrayed as an accused in Crime No.02 of 2017 was granted anticipatory bail on pre-condition to deposit a sum of Rs.5,00,000/- by the learned Special Judge (FAC), Special Court under TNPID Act, Chennai, on 04.12.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.Nithyaesh and Vaibhav, learned counsel appearing for the petitioner and Mrs.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 in CrI.M.P.No.1668 of 2017 by its order dated 04.12.2017 directing the petitioner to deposit a sum of Rs.5,00,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.5,00,000/- instead of depositing a sum of Rs.5,00,000/-.

All other conditions imposed in the order dated 04.12.2017 in CrI.M.P.No.1668 of 2017 shall remain intact.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

dh

To

1.The special Judge(FAC),
Special Court, TNPID Cases, Chennai.

2.The Deputy Superintendent of Police,
EOW - II, Vellore.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Nithyesh and Vibhav, Advocate SR.No.5882

CrI.O.P.No.2107 of 2018

GN(07/02/2018)