

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 2360 of 2018

Manothraj

..Petitioner

Vs.

State rep. by
The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.
(Crime No.1490/2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner as that he has to execute a Government Servant and stay at Thiruvannamalai and report before the Town Police Station, Thiruvannamalai in Crl.MP. No.944 of 2018, dated 18.01.2018 on the file of the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.K.Bommuraj

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

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.1490 of 2017 was granted bail on pre-condition to execute a Government Servant and stay at Thiruvannamalai and report before the Town Police Station, Thiruvannamalai. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.K.Bommuraj, 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 Thiruvannamalai 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. There is no justification in the order dated 18.01.2018 made in CrI.MP. No.944 of 2018 by the learned Principal Sessions Judge, Chennai as to why the surety of the government servant is required and the petitioner shall stay at Thiruvannamalai. In the absence of the justification in the said order, I am of the view that this onerous condition requires to be modified as follows;

" The petitioner is granted bail on condition to execute a bond for Rs.10,000/- with any two sureties, each for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai.

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

All other conditions imposed in the order dated 18.01.2018 in CrI.M.P.No. 944 of 2018 shall remain intact.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To,

1. The Principal Sessions Judge,
City Civil Court, Chennai.

2. The V Metropolitan Magistrate,
Chennai.

3.Do-Through The Chief Metropolitan Magistrate,
Egmore, Chennai.

4.The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Bommuraj Advocate, S.R.No.1869

CrI.O.P.No.2360 of 2018

SKV(CO)
RRK(30/01/2018)



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