

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.01.2018
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.2560 of 2018

Ramesh ... Petitioner/Accused No.2
Vs.

State rep. by
The Inspector of Police,
Eow.II, Guindy,
Chennai.
(Crime No.10/2017)

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed in Crl.M.P.No.51 of 2018 dated 18.01.2018 passed by the Court of Special Judge Under TNPID Act, Chennai - 600 104.

For Petitioner : Mr.Madhuri Dointi Reddy
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.10 of 2017 was granted bail on pre-condition to deposit a sum of Rs.2,00,000/- by the learned Special Judge under TNPID Act, Chennai on 18.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.Madhuri Dointi Reddy, 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 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.51 of 2018 by its order dated 18.01.2018, directing the petitioner to deposit a sum of Rs.2,00,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.2,00,000/- (Rupees two lakhs only) instead of depositing a sum of Rs.2,00,000/-.

All other conditions imposed in the order dated 18.01.2018 in CrI.M.P.No.51 of 2018 shall remain intact.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rts
To

1. The Special Judge Under TNPID Act,
Chennai
2. The Inspector of Police,
Eow.II, Guindy,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Madhuri, Advocate Sr.No.6520

sm:31.1.2018

सत्यमेव जयते

CrI.O.P.No.2560 of 2018

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