

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.258 of 2018

1.Elumalai
2.Vijaya
3.Kaviyarasan

..Petitioners /Accused

Vs.

State represented by,
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
(Crime No.646/2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner in Crl.M.P.No.8703 of 2017 by its order dated 22.12.2017 passed by the learned Principal Sessions Judge, Villupuram.

For Petitioners : M/s.V.Sasi Rekha
For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl. Side)

O R D E R

The petitioners, who have been arrayed as accused in Crime No.646 of 2017 were granted bail on pre-condition to deposit a sum of Rs.25,000/- each. Seeking to modify the same, the present petition had been filed.

2.Heard M/s.V.Sasi Rekha, learned counsel appearing for the petitioners 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.In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in Crl.M.P.No. 8703 of 2017 by its order dated 22.12.2017, directing the petitioners to deposit a sum of Rs. 25,000/- shall stand modified as follows:

"the petitioners shall execute a bond of undertaking to the tune of Rs.25,000/- instead of depositing a sum of Rs.25,000/-.

All other conditions imposed in the order dated 22.12.2017 in Crl.M.P.No.8703 of 2017 shall remain intact.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

dh/ak

To

1. The Principal Sessions Judge,
Villupuram.

2. The Judicial Magistrate No.II,
Tindivanam.

3. The Inspector of Police,
Marakkanam Police Station,
Villupuram District.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.V.Sasi Rekha, Advocate sr 1364

Crl.O.P.No.258 of 2018

SP(10/01/2018)