

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2643 of 2018

P.Vijayakumar ..Petitioner/Accused No.1
Vs.

State rep. by
The Inspector of Police,
Mambalam Railway Police Station,
Chennai.
(Crime No.56/2017) ..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for records to the order dated 22.12.2017, made in Crl.MP. No.20503 of 2017 in Crime No.56 of 2017 on the file of the Principal Sessions Judge, Chennai and modify the condition imposed to deposit a sum of Rs.10,000/- enabling the petitioners enlarging on bail by allowing this criminal original petition.

For Petitioner : Mr.J.Stalin

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

O R D E R

The petitioner, who had been arrayed as first accused in Crime No.56 of 2017 was granted bail on pre-condition to deposit a sum of Rs.10,000/-. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.J.Stalin, 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 Crl.M.P.No.20503 of 2017 by its order dated 22.12.2017, directing to deposit a sum of Rs.10,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.10,000/- instead of depositing a sum of Rs.10,000/-.

All other conditions imposed in the order dated 22.12.2017 in Crl.M.P.No.20503 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1.The Principal Sessions Judge, Chennai.

2.The Inspector of Police,
Mambalam Railway Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.Stalin, Advocate SR.No.6927

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RJ(CO)
GN(15/02/2018)