

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2774 of 2018

K.Nagarajan

..Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai- 600 068.
(Crime No. 1769 of 2017)

..Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in Crl.M.P.No.172 of 2018 dated 12.01.2018 passed by the learned Principal District and Sessions Judge, Thiruvallur and consequently modify the condition imposed on the petitioner in Crl.M.P.No.4520 of 2017 dated 14.12.2017 by the learned Principal District and Sessions Judge, Thiruvallur as far as it direct the petitioner shall stay at Vellore and report and sign before the Vellore North Police Station daily at 10.30a.m until further orders.

For Petitioner : Mrs.S.Kanmani

For Respondent : Mr.C.Raghavan
Additional Public Prosecutor

O R D E R

The prayer sought for in the present petition is to modify the condition to the petitioner shall stay at Vellore and report and sign before the Vellore North Police Station daily at 10.30a.m until further orders in Crl.M.P.No.4520 of 2017 dated 14.12.2017 .

2.Heard Mrs.S.Kanmani, learned counsel for the petitioner as well as Mr.C.Raghavan, learned Government Advocate (Crl.Side) 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 light of the above, the onerous condition directing the petitioner to stay at Vellore and report and sign before the Vellore North Police Station daily at 10.30a.m until further orders is without any basis. Hence, the order passed in Crl.M.P. No.4520 of 2017 dated 14.12.2017 by the learned Principal Sessions Judge, Tiruvallur, directing the petitioner to stay at Vellore and report and sign before the Vellore North Police Station daily at 10.30a.m until further orders is modified as follows:

" the petitioner shall report before the respondent police daily at 10.30 a.m until further orders ."

All other remaining conditions imposed in the order dated 14.12.2017 in Crl.M.P.No.4520 of 2017 shall remain intact.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Tiruvallur
- 2.The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai- 600 068.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Kanmani, Advocate SR.No.8077(19/02/2018)

CrI.O.P.No.2774 of 2018

GN(17/02/2018)



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