

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2792 of 2018

Milansingh

..Petitioner /Accused

Vs.

State rep. by

The Inspector of Police,
CBCID, Krishnagiri,
Krishnagiri District.
(Crime No.11/2016)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 06.01.2018 made in Cr.M.P.No.580 of 2017 on the file of the Hon'ble Judicial Magistrate -I, Krishnagiri and modify the condition 'petitioner shall execute two blood sureties worth about Rs.10,000/-each' as ' the petitioner shall execute two sureties worth about Rs.10,000/-.

For Petitioner : Mr.T.Sathiyamoorthy

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.11 of 2016 was granted bail on pre-condition to execute a bond for a sum of Rs.10,000/- with two blood related sureties to the accused by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri on 06.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.T.Sathiyamoorthy, 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 Thiruvazhagar 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.580 of 2017 by its order dated 06.01.2018 shall stand modified as follows:

"The petitioner/accused shall execute a bond for Rs.10,000/- along with two sureties each for the likesum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri."

All other conditions imposed in the order dated 06.01.2018 in CrI.M.P.No.580 of 2018 shall remain intact.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
2. The Judicial Magistrate -I, Krishnagiri
- 3.The Inspector of Police,
CBCID, Krishnagiri,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Sathiyamoorthy, Advocate SR.No.7659

CrI.O.P.No.2792 of 2018

GN(17/02/2018)