

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.01.2018
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.1359 of 2018

Vicky @ Tamilarasan

..Petitioner

Vs.

State rep. by
The Inspector of Police,
J-7, Velacherry Police Station.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the bail condition of cash security of Rs.50,000/- passed by the Hon'ble Principal Sessions Judge, Chennai in Crl.M.P.No.105 of 2018 dated 05.01.2018.

For Petitioners : Mr.J.William Shakesphere

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

O R D E R

The petitioner, who had been arrayed as accused in Crime No.1600 of 2017 was granted bail on pre-condition to deposit a sum of Rs.50,000/- to the credit in Crime No.1600 of 2017 by the learned Principal Sessions Judge, Chennai on 05.11.2018. Seeking to modify the same, the present petition had been filed.

2.Heard J.William Shakesphere, learned counsel appearing for the petitioner 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 Thiruvassagam 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 no. 7 (iii) imposed on the petitioner in Crl.M.P.No.105 of 2018 by its order dated 05.01.2018 directing the petitioner to deposit a sum of Rs.50,000/- to the credit in Crime No.1600 of 2017 shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.50,000/- instead of depositing a sum of Rs.50,000/- as cash deposit.

All other conditions imposed in the order dated 05.11.2018 in Crl.M.P.No.105 of 2018 shall remain intact.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police,
J-7,Velacherry Police Station.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.J.William Shakespare Advocate sr 3156

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