

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No. 1442 of 2018

N.Aruchami

..Petitioner

Vs.

State rep. by

The Inspector of Police,
Central Crime Branch,
Team_IV, EDF-II,
Vepery, Chennai.
(CCB Cr. No.275/2015)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the petitioner in Crl.M.P.No.20384 of 2017 by its order dated 20.12.2017 passed by the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The petitioner, who had been arrayed as an accused in Crime No.275 of 2015 was granted anticipatory bail on pre-condition to appear before the respondent police daily at 10.30 a.m for one month. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.M.N.Balakrishnan learned counsel appearing for the petitioner and Mrs.Kritika Kamal.P, 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 CrI.M.P.No.20384 of 2017 by its order dated 20.12.2017 directing the petitioner to appear before the respondent police daily at 10.30 a.m for one month shall stand modified as follows:

"the petitioner shall appear before the respondent police as and when required."

All other conditions imposed in the order dated 20.12.2017 in CrI.M.P.No.20384 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

dh

To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
Team IV, EDF-II,
Vepery, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Balakrishnan, Advocate SR.No.5673

CrI.O.P.No.1442 of 2018

SAI (CO)
GN(14/02/2018)