

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1582 of 2018

1. Suruttaiyen Balu @ Balakannan
2. Pandiaraj ..Petitioners/Accused 1 & 2

Vs.

State rep. by
The Inspector of Police,
Magundanchavadi Police Station,
Salem District.
(Crime No.62/2017) ...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for records to the order dated 30.11.2017, made in Crl.MP. No.4967 of 2017 in Crime. No. 62 of 2017 on the file of the learned Judicial Magistrate No.II, Sankari and modify the same.

For Petitioners : Mr.J.Stalin

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

O R D E R

The petitioners, who have been arrayed as accused 1 & 2 in Crime No.62 of 2017 were granted bail on pre-conditions that the petitioners shall produce two sureties and one of the sureties should be a blood relative and shall report before the respondent police daily at 10.00 a.m and 5.p.m until further orders. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.J.Stalin, learned counsel appearing for the petitioners 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 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. The conditions imposed on the petitioners in CrI.M.P.No.4967 of 2017 by its order dated 30.11.2017 shall stand modified as follows:

"The petitioners shall produce any two sureties and execute a bond of undertaking to the tune of Rs.10,000/- each.

The petitioners shall report before the respondent police daily at 5.P.M"

All other conditions imposed in the order dated 30.11.2017 in CrI.M.P.No.4967 of 2017 shall remain intact. Consequently, the modification order passed by the learned Sessions Judge, Salem in CMP. No. 143 of 2018, dated 11.01.2018 is set aside.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sessions Judge,
Salem.
2. The Judicial Magistrate No.II,
Sankagiri.
- 3.The Inspector of Police,
Magundanchavadi Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Stalin, Advocate, S.R.No.4461

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MR (CO)
RRK (29/01/2018)



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