

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1651 of 2018

C.Gowthaman

..Petitioner/ Accused

Vs.

State rep. by

The Inspector of Police,
Mecheri Police Station,
Salem District.

..Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed in CMP. No.93 of 2018 in CMP.No.4889 of 2017 in Crime No. 528 of 2017 dated 11.01.2018 by the learned Principal Sessions Judge, Salem and direct the petitioner to appear before the Judicial Magistrate No.II Mettur or any other court.

For Petitioners : Mr.K.Sathish Kumar

For Respondent : Mrs.Kritika Kamal.P

Government Advocate (Crl.Side)

O R D E R

The petitioner, who has been arrayed as accused in Crime No. 528 of 2017 was granted anticipatory bail on pre-conditions to report before the respondent police daily at 10.00 a.m until further orders by the learned Principal Sessions Judge, Salem in CMP. No. 4889 of 2017, dated 16.12.2017. Subsequently, the condition came to be modified to report before the Deputy Superintendent of Police, Mettur, daily at 10.00 a.m. until further orders vide order in CMP. No. 93 of 2018, dated 11.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.K.Sathish Kumar, 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 Thiruvvasagam 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 condition imposed on the petitioner in CrI.M.P.No.93 of 2018 by its order dated 11.01.2018 to report before the Deputy Superintendent of Police, Mettur daily at 10.00 a.m. until further orders shall stand modified as follows:

"The petitioner shall report before the learned Judicial Magistrate No.II, Mettur daily at 10.30. a.m."

All other conditions imposed in the order dated 11.01.2018 in CrI.M.P.No.93 of 2018 shall remain intact.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Principal Sessions Judge,
Salem.

2. The Judicial Magistrate-II, Mettur.

3. The Inspector of Police,
Mecheri Police Station,
Salem District..

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Sathish Kumar Advocate SR.NO.4389

CrI.O.P.No.1651 of 2018

SJ(CO)
VC (06/02/2018)