

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1714 of 2018

1.A.Muthusamy  
2.A.Ayyakannu

..Petitioners

Vs.

State rep. by  
The Sub Inspector of Police,  
Kunnam Police Station,  
Perambalur District.  
(Crime No.429/2017)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed by the court below in its order dated 07.12.2017 in Crl.MP.No.1059 of 2017.

For Petitioners: Mr.R.Veeramani

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

ORDER

The petitioners, who have been arrayed accused in Crime No.429 of 2017 were granted anticipatory bail on pre-condition that the petitioners shall stay at Thuraiyur and appear and sign before the Inspector of Police, Law and Order, Thuraiyur Police Station daily twice at 10.00 a.m. and 5.00 p.m until further orders by the learned Principal District and Sessions Judge, Perambalur in Crl.MP. No.1017 of 2017, dated 23.11.2017. Subsequently, the petitioner have filed a petition to modify the said condition, which came to be partly modified on 07.12.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.R.Veeramani, 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 Thiruvasagam Vs. State rep. by the Inspector of Police, B1, North Beach Police

Station, Chennai-600 001 in CrI.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.1059 of 2017 by its order dated 07.12.2017 shall stand modified as follows:

"The first petitioner shall report before the respondent police daily at 5 P.M for a period of 30 days and thereafter as and when required.

Insofar as the second petitioner is concerned, taking sympathetic view of the physical disability as well as his age, he is directed to report before the respondent police as and when required."

All other conditions imposed in the order dated 07.12.2017 in CrI.M.P.No.1059 of 2017 shall remain intact.

Sd/-  
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Inspector of Police,  
Kunnam Police Station,  
Perambalur District.

2.The Public Prosecutor,  
High Court, Madras.

CrI.O.P.No.1714 of 2018

SSI (CO)  
EU (05/02/2018)