

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1797 of 2018

A.J.Sukumar

..Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
Economic Offence Wing -II,
Chennai

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order passed in Crl.M.P.No.46 of 2018 dated 12.01.2018, Special Judge, TNPID Act, Chennai by deleting the condition no.1 ' the petitioner is directed to deposit Rs.5,00,000/-(Rs. Five lakhs only)".

For Petitioner : Mr.T.I.Ramanathan
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.09 of 2017 was granted bail on pre-condition to deposit a sum of Rs.5,00,000/- by the learned Special Judge under TNPID Act, Chennai on 12.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.T.I,Ramanathan, 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 imposed on the petitioner in Crl.M.P.No.46 of 2018 by its order dated 12.01.2018 directing the petitioner to deposit a sum of Rs.5,00,000/- to the credit of Crime No. 09 of 2017 shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.5,00,000/- instead of depositing a sum of Rs.5,00,000/-.

All other conditions imposed in the order dated 12.01.2018 in Crl.M.P.No.46 of 2018 shall remain intact.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge under TNPID Act, Chennai
2. The Inspector of Police, Economic Offence Wing -II, Chennai
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.T.I.Ramanathan, Advocate, S.R.No.4763

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cs/24/01/18