

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.01.2018
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.1818 of 2018

Nijanthan

..Petitioner /Accused

Vs.

State rep. by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai- 600 069.
(Crime No.2674 /2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition executing a bond for a sum of Rs.10,000/- with two sureties one must be blood related surety instead of executing a bond for a sum of Rs.10,000/- with two sureties one must be a government surety passed by Principal Sessions Judge, Chennai in Crl.M.P.No.512 of 2018 dated 17.01.2018.

For Petitioner : Mr.G.Prabhu
For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.2674 of 2017 was granted bail on pre-condition to execute a bond for a sum of Rs.10,000/- with two sureties one must be a government surety to the accused by the learned Principal Session Judge, Chennai on 17.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.G.Prabhu, 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 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 no.7 (ii) imposed on the petitioner in Crl.M.P.No.512 of 2018 by its order dated 17.01.2018 shall stand modified as follows:

"The petitioner/accused shall execute a bond for Rs.10,000/- along with two sureties each for the likesum to the satisfaction of the learned IX Metropolitan Magistrate, Chennai."

All other conditions imposed in the order dated 17.01.2018 in Crl.M.P.No.512 of 2018 shall remain intact.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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1. The Principal Sessions Judge,
Chennai.

2. The IX Metropolitan Magistrate,
Chennai.

3.The Inspector of Police,
J-3, Guindy Police Station,
Chennai- 600 069.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Prabhu, Advocate Sr.No.4750

sm:24.1.2018

Crl.O.P.No.1818 of 2018