

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1972 of 2018

Vicky @ Vignesh

..Petitioner/Accused

Vs.

State rep. by

The Inspector of Police,
Thuraipakkam Police Station,
Chennai.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on the petitioner in Crl.M.P.No.4355 of 2017 by its order dated 02.01.2018 passed by the learned Principal Sessions Judge, Chengalpattu.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mrs. Kritika Kamal.P

Government Advocate (Crl.Side)

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.2942 of 2017 was granted bail on pre-condition to deposit a sum of Rs.20,000/- before the learned Judicial Magistrate, Alandur vide order made in Crl.MP. No. 4355 of 2017 dated 02.01.2018. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.Ilayaraja Kandasamy, 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 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 CrI.M.P.No.4355 of 2017 by its order dated 02.01.2018 directing the petitioner to deposit a sum of Rs.20,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.20,000/- instead of depositing a sum of Rs.20,000/-.

All other conditions imposed in the order dated 02.01.2018 in CrI.M.P.No.4355 of 2017 by the learned Principal Sessions Judge, Chengalpattu shall remain intact.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Principal Sessions Judge,
Chengalpattu.

2. The Judicial Magistrate,
Alandur

3.The Inspector of Police,
Thuraipakkam Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Superintendent,
Central Prison,
Puzhal, Chennai

+1cc to Mr.Ilayaraja Kandasamy, Advocate sr.no.5647

CrI.O.P.No. 1972 of 2018

nr 25/01/2018