

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CrI.O.P.No.24644 of 2019

Kurinchi @ Kurinji Nathan

...Petitioner/Petitioner A2

Vs

State Rep. by

The Inspector of Police,

E.O.W.II Coimbatore Police Station,

Coimbatore District.

(Cr.No.2/2019)

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the conditions 1. The petitioner shall deposit a sum of Rs. Ten Lakhs as cash security and his permanent resident proof that is nativity certificate and 2. the petitioner shall execute a bond for Rs. Ten Lakhs with two sureties for a like sum and out of the sureties, both the surety must be close relative of the petitioner and they should produce the Original Solvency Certificate and sale deeds or documents to prove the surety amount and the sureties shall affix their photographs and left thumb impression in the surety bond and produce their Aadhar Card and passbook to ensure their identity in CMP.No.2342 of 2019 dated 04.09.2019 by the learned Special Judge, Special Court under TNPID Act Cases, (FAC), Coimbatore.

For Petitioner : Mr.A.Sathish Kumar

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The petitioner, who had been arrayed as 2nd accused in Crime No.2 of 2019, was granted bail on certain conditions by the learned Special Judge, Special Court under TNPID Act Cases, (FAC), Coimbatore on 04.09.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.A.Sathish Kumar, learned counsel appearing for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor 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 in S.J.John Basil & other vs State Rep. by its Deputy Superintendent of Police, EOW-II, Guindy, Chennai - 600032 in CrI.O.P.No.2600 of 2019 dated 06.02.2019. 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 conditions came to be modified in the said order.

4. I am of the view that the conditions imposed by the trial Court are similar onerous conditions 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 conditions imposed in the earlier order dated 04.09.2019 passed in C.M.P.No.2342 of 2019, insofar as the conditions 1 and 2 are modified to the effect that the 2nd accused shall execute a bond for a sum of Rs.10,00,000/- with. two sureties for a like sum.

6. All other observations made in the earlier order dated 04.09.2019 shall remain intact.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Special Judge,
Special Court under TNPID Act Cases, (FAC),
Coimbatore.
2. The Inspector of Police,
E.O.W.II Coimbatore Police Station,
Coimbatore District.

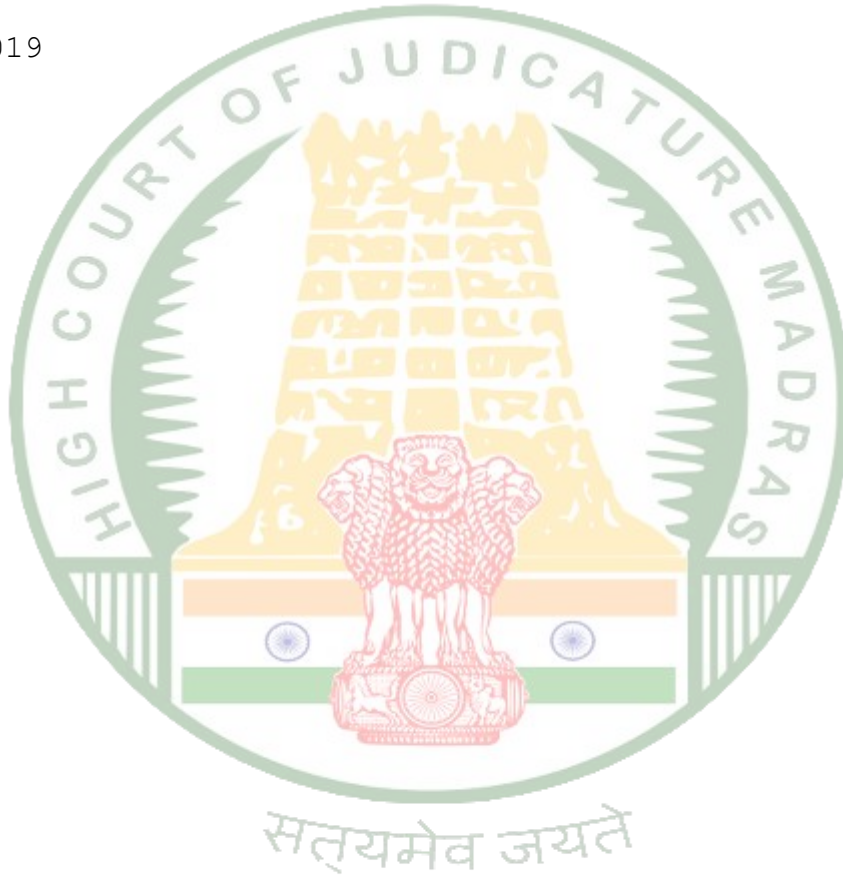
WEB COPY

3. The Additional Public Prosecutor,
High Court of Madras.

+1 cc to Mr.A.Sathish Kumar Advocate sr78715

Cr1.O.P.No.24644 of 2019

aa13/09/2019



WEB COPY