

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.26228 of 2019

Marimuthu

...Petitioner/ Accused No.2

Vs

State Rep. by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Cr.No.554/2017)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition imposed on him by the Judicial Magistrate Court No.2 Sangagiri, Salem District made in Crl.M.P.No.2490 of 2019 in Crime No.554 of 2017 dated 01.08.2019 to the effect that the sureties shall execute a bond for a sum of Rs.10,000/- with two sureties in that two sureties one sureties must be the blood relatives of the petitioner as without insisting Solvency Certificate.

For Petitioner : Mr.S.Parameswaran

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as 2nd accused in Crime No.554 of 2017, was granted bail on certain conditions by the learned Judicial Magistrate Court No.2, Sangagiri, Salem District on 01.08.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.S.Parameswaran, 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 Crl.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 condition imposed in the earlier order dated 01.08.2019 passed in Crl.M.P.No.2490 of 2019, directing the petitioner/2nd accused to execute a bond for a sum of Rs.10,000/- each with two sureties and in that two sureties, one surety must be the blood relative of the petitioner is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- each with two sureties, without insisting for Solvency Certificate.

6. All other observations made in the earlier order dated 01.08.2019 shall remain intact.
hvk/vkr

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.2
Sangagiri, Salem District.
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
3. The Additional Public Prosecutor,
High Court of Madras.

+lcc to Mr.S.Paremeswaran, Advocate, SR.No.83356

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Kak(30/09/2019)