

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.10.2019
CORAM
THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl.O.P.No.26662 of 2019

1. Dilnawaz Syed

2. Saleem Syed

...Petitioners

Vs

State Represented by
The Inspector of Police,
District Crime Branch,
Krishnagiri.
(Crime No.13 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the onerous condition of "petitioners shall have to deposit a sum of Rs.5,00,000/- imposed in Crl.M.P.No.1745 of 2019 connection with Crime No.13 of 2019 on the file of Principal Sessions Judge, Krishnagiri.

For Petitioners: Mr.R.Marudhachalamurthy

For Respondent : Mrs.V.Saratha Devi,
Government Advocate (Crl. side)

O R D E R

The petitioners, who have been arrayed as accused, were granted bail by the learned Principal Sessions Judge, Krishnagiri on 16.09.2019 in Crl.M.P.No.1745 of 2019 for the offences under Section 420 IPC., altered to Sections 273, 465, 468 and 471 IPC., on certain conditions. Seeking to modify the same, the present Criminal Original Petition has been filed.

2. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioners and Mrs.V.Saratha Devi, 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 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 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 light of the above observations, the condition imposed in the earlier order dated 16.09.2019 passed in CrI.M.P.No.1745 of 2019, directing the petitioners to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in the concerned Crime Number before the learned Judicial Magistrate II, Krishnagiri and they shall have to appear and sign before the concerned respondent/police daily twice at 10.00A.M. and 5.00P.M, until further orders shall stand modified to read as follows:

"the petitioners shall execute a bond for a sum of Rs.5,00,000/- with two sureties and report before the respondent/police daily at 10.00 A.M. for a period of 30 days and thereafter, as and when required."

6. All other observations made in the earlier order dated 16.09.2019 shall remain intact.

7. Accordingly, the Criminal Original Petition stands ordered.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate II,
Krishnagiri.
2. The Inspector of Police,
District Crime Branch,
Krishnagiri.

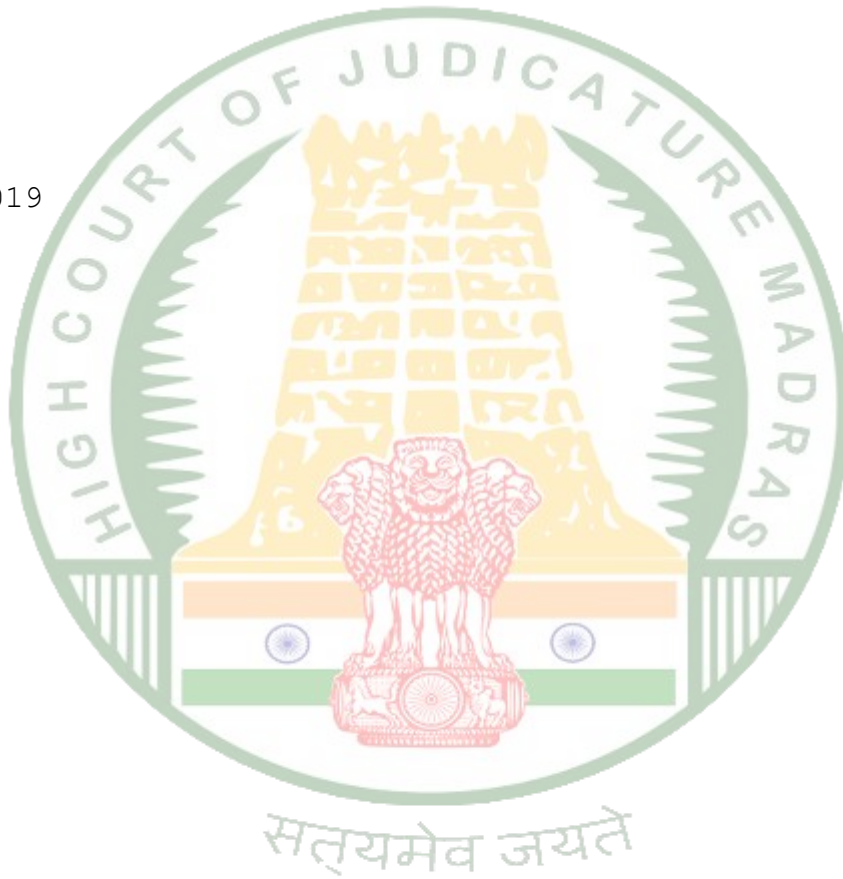
3. The Public Prosecutor,
High Court of Madras.

4.The Principal Sessions Judge
Krishnagiri

+1 cc to M/s.R.Marudhachalamurthy Advocate sr 86645

Cr1.O.P.No.26662 of 2019

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