

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.26093 of 2019

1.M.D.Rippon Mulla

2.Rani

3.Moina

...Petitioners

Vs

State Rep. by  
The Inspector of Police,  
E8 Kelambakam Police Station,  
Kancheepuram District.  
(Cr.No.308/2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition from "the petitioners/accused shall execute a bond for Rs.10,000/- with two native sureties each for the like sum to the satisfaction of this Court" to "the petitioners/accused shall execute a bond for Rs.10,000/- with known persons to the petitioner with two Ration Card sureties each for the like sum to the satisfaction of this Court" in the above Crl.MP.No.6547 of 2019 dated 31.07.2019 in E8 Cr.No.308 of 2019 on the file of the respondent.

For Petitioners: Mr.U.Yuvaraj

For Respondent : Mr.C.Iyyapparaj  
Additional Public Prosecutor

O R D E R

The petitioners, who have been arrayed as accused in Crime No.308 of 2019, were granted bail on certain conditions by the learned Judicial Magistrate Court No.1, Chengalpattu, on 31.07.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.U.Yuvaraj, learned counsel appearing for the petitioners 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 Crl.MP.No.6547 of 2019 dated 31.07.2019, directing the petitioners/accused to execute a bond for Rs.10,000/- with two native sureties each for the like sum to the satisfaction of learned Judicial Magistrate No.1, Chengalpattu is modified to the effect that the petitioners/accused shall execute a bond for a sum of Rs.10,000/- with known persons to the petitioners with two Ration Card sureties each for the like sum to the satisfaction of learned Judicial Magistrate No.1, Chengalpattu.

6. All other observations made in the earlier order dated 31.07.2019 shall remain intact.

Sd/-  
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

hvk/vkr

To

1. The Judicial Magistrate No.1, Chengalpattu.

2. The Inspector of Police,  
E8 Kelambakam Police Station,  
Kancheepuram District.

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

+lcc to Mr.U.Yuvaraj, Advocate SR.No.83441

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KJI (CO)

GMV (01/10/2019)