

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.26341 of 2019

1. Sumathi
2. Parimala @ Boomika

...Petitioners/Accused

Vs

State Rep. by
The Inspector of Police,
S-6, Sankar Nagar Police Station,
***Sankar Nagar, Chennai-600 075.**

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the order dated 26.09.2019 made in Crl.M.P.No.5360 of 2019 passed by the learned Principal District Sessions Judge, Chengalpet by confirming their order of the learned Judicial Magistrate, Tambaram ***order** dated 17.09.2019 made in Crl.M.P.No.5051 of 2019 in ***Crime NO.626 of 2019** insofar as requiring the petitioners to execute a bond of Rs.10,000/- with 2 sureties and one must be blood relative and for a like sum to the satisfaction of the concerned Magistrate among them one of them should be blood relative and for like sum to satisfaction of this Court together with any two sureties along with ration card to a like sum to the satisfaction of the concerned Magistrate or cash surety to deposit before the concerned Magistrate till the disposal of the case.

For Petitioners : Mr.A.E.Ravichandran

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

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O R D E R

The petitioners, who have been arrayed as accused, were granted bail by the learned Judicial Magistrate, Tambaram on 17.09.2019 in Crl.M.P.No.5051 of 2019 for the offence under Section 379 of IPC, on condition that the petitioners execute a bond for a sum of Rs.10,000/- with two sureties each and one must be blood relative and for a like sum to the satisfaction of the Court. Thereafter, the petitioners had filed Crl.M.P.No.5360

of 2019 seeking to modify the said condition. By an order dated 26.09.2019, the learned Principal Sessions Judge, Chengalpet had dismissed the same. Aggrieved against the same, the present Criminal Original Petition has been filed.

2. Heard Mr.A.E.Ravichandran, 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 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 in the earlier order dated 17.09.2019 passed in Crl.M.P.No.5051 of 2019, is modified to the effect that the petitioners shall execute a bond for a sum of Rs.10,000/- with two sureties for a like sum.

6. All other observations made in the earlier order dated 17.09.2019 shall remain intact.

Sd/-

Assistant Registrar(CS IV)

***Amended as per order
of this Court, dated 04/10/19
and made in Crl.Mp.No.14346/19
in Crl.Op.No.26341/2019**

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District Sessions Judge,
Chengalpattu.

To be Substituted to
the order already
despatched
on 03/10/2019

2. The Judicial Magistrate,
Tambaram.

3.Do Thro The Chief Judicial Magistrate,
Chengalpattu.

4. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Avadi, Chennai - 600054.

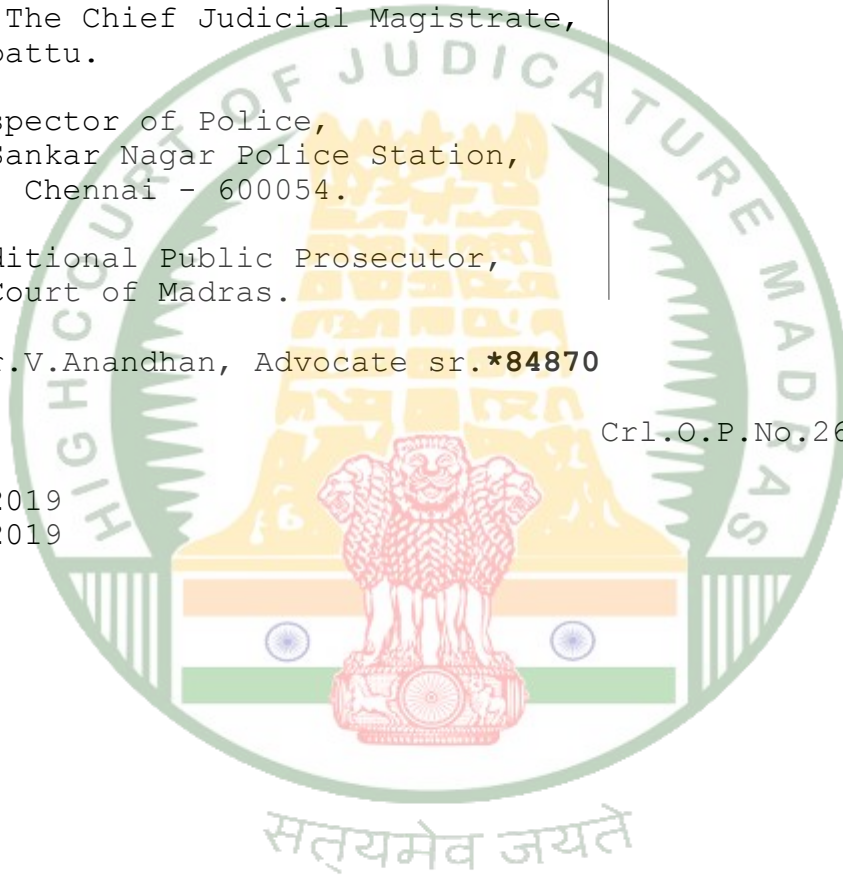
5. The Additional Public Prosecutor,
High Court of Madras.

+lcc to Mr.V.Anandhan, Advocate sr.*84870

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NR 04/10/2019



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