

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.26924 of 2019

1.Monisha

2.Shadana @ Bakkiya

...Petitioners

Vs

The State Rep. by
Station House Officer,
Villupuram West Police Station,
Villupuram.
(Crime No.451 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition order dated 05.09.2019 passed in Crl.M.P.No.6054 of 2019 by the Principal Sessions Judge, Villupuram, in so far as directing the petitioners to furnish one Government surety.

For Petitioners: Mr.M.Selvam

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioners, who have been arrayed as accused, were granted bail by the learned Judicial Magistrate-I, Villupuram, on 05.09.2019 in Crl.M.P.No.6054 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/- each with two sureties each (one of the surety must be Government Servant) for like sum to the satisfaction of the Court. Seeking to modify the same, the present Criminal Original Petition has been filed.

2. Heard Mr.M.Selvam, 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 05.09.2019 passed in Crl.M.P.No.6054 of 2019, is modified to the effect that the petitioners shall execute a bond for a sum of Rs.10,000/- each with two sureties for a like sum.

6. All other observations made in the earlier order dated 05.09.2019 shall remain intact.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1.The Judicial Magistrate No.I, Villupuram.

2.The Station House Officer,
Villupuram West Police Station,
Villupuram.

3.The Principal Sessions Judge, Villupuram.

4.The Superintendent,
Women Sub Jail, Cuddalore.

5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Selvam, Advocate, S.R.No. 85169

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GN(15/10/2019)