

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.27347 of 2019

Velraj

...Petitioner

Vs.

The State by,
The Inspector of Police,
K-11, CMPT Koyembedu Police Station,
(Crime No.1160 of 2018)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed by the Learned Principal Sessions Judge, Chennai in his order in Crl.M.P.No.17444/2019, dated 30.08.2019 that the petitioner shall execute one such surety must be a blood relative of the petitioner to giving any one surety.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused, has been granted bail by the learned Principal Sessions Judge, Chennai on 30.08.2019 in Crl.M.P.No.17444/2019 for the offence under Section 302 IPC on certain conditions. Seeking to modify the same, the present petition has been filed.

2. It is now a settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and the Court has to satisfy itself with the only requirement as to whether the accused persons are prepared to furnish bail. Useful reference can be made to the Judgement of this Court in 2019 1 LW(Crl.) 387 in the case of Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore.

Therefore, the condition imposed by the Court below requires interference and since the petitioner is not in a position to comply with the said condition, he is not able to come out on bail till today.

3. In the result, the condition imposed by the Court below directing the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties, one surety must be a blood relative, each for a like sum to the satisfaction of the learned III Additional Sessions Judge, Chennai, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- with any two sureties each for a like sum to the satisfaction of the learned III Additional Sessions Judge, Chennai.

4. All other observations made in the earlier order dated 30.08.2019 in CrI.M.P.No.17444 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Chennai.

2.III Additional Sessions Judge,
Chennai,

3.The Inspector of Police,
K-11, CMPT Koyembedu Police Station.

4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.B.Gopalakrishnan , Advocate SR.No. 85871

CrI.O.P.No.27347 of 2019

A.SK(15/10/2019)