

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl.O.P.No.28280 of 2019

Vanjeeswari

...Petitioner/1st Accused

Vs

State Rep. by
Inspector of Police,
Central Crime Branch,
Tirupur District.
(Crime No.05 of 2019)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the condition of "the petitioner/accused is directed to deposit title deed of worth above the tune of Rs.60,00,000/- (Rupees sixty lakhs) along with proper valuation certificate from the concerned revenue authorities, imposed by the learned Chief Judicial Magistrate, Tirupur by order dated 07.09.2019 in Cr.M.P.No.714 of 2019 and confirmed by the learned Principal Sessions Judge, Tiruppur by order dated 01.10.2019 in Cr.M.P.No.1176 of 2019.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The prayer in the present petition is to set aside the condition imposed by the learned Chief Judicial Magistrate, Tirupur by order dated 07.09.2019 in Cr.M.P.No.714 of 2019 and confirmed by the learned Principal Sessions Judge, Tiruppur by order dated 01.10.2019 in Cr.M.P.No.1176 of 2019.

2. It is seen that when the petitioner along with her husband had moved an anticipatory bail before this Court,

the petitioner had volunteered to deposit title deeds valuing Rs.60,00,000/- and with that condition, the anticipatory bail was granted by this Court.

3. Subsequently, the learned counsel for the petitioner would submit that they were unable to produce the title deeds and therefore, the petitioner had chosen to surrender before the Trial Court. It is in this background that the bail order came to be passed, by imposing a condition on the basis of the undertaking given by the petitioner before the High Court seeking for anticipatory bail.

4. 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 CrI.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.

5. 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.

6. In the light of the above observations, the condition imposed to direct the petitioner/accused to deposit title deed of worth above the tune of Rs.60,00,000/- (Rupees sixty lakhs) along with proper valuation certificate from the concerned revenue authorities, shall stand modified as follows:

"the petitioner/accused shall execute a bond for a sum of Rs.60,00,000/- with two sureties for a like sum."

7. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

hvk
To

1. The Chief Judicial Magistrate,
Tiruppur.
2. The Principal Sessions Judge,
Tiruppur.
3. The Inspector of Police,
Central Crime Branch,
Tirupur District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Franklin , Advocate SR.No. 88551
Crl.O.P.No.28280 of 2019
A.SK(23/10/2019)