

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.10.2019
CORAM
THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl.O.P.No.28129 of 2019

Selvakumar

...Petitioner

Vs

State by Inspector of Police,
Yercaud Police Station,
Crime No.101/2019,
Salem District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition imposed in the bail order dated 17.09.2019 made in Crl.M.P.No.2942 of 2019 on the file of the Principal Sessions Judge, Salem by permitting him to execution of Rs.10,000/- bond with two sureties for the like sum and appear before Judicial Magistrate No.V, Salem.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.101 of 2019, was granted bail on certain conditions by the learned Principal Sessions Judge, Salem on 17.09.2019 in Crl.M.P.No.2942 of 2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.A.Saravanan, learned counsel for the petitioner 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 No.1 imposed in the earlier order dated 17.09.2019 passed in CrI.M.P.No.2942 of 2019, that the petitioner is ordered to be enlarged on bail on executing his bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one must be official surely, for a like sum each to the satisfaction of the Judicial Magistrate, No.V, Salem stands modified as follows:

"the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, No.V, Salem".

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Salem.
2. The Inspector of Police,
Yercaud Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.
4. The Judicial Magistrate No.V,
Salem.

+lcc to Mr.A.Saravanan, Advocate sr.87973

CrI.O.P.No.28129 of 2019

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nr 22/10/2019