

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.28143 of 2019

Rasappan @ Rasukutty

...Petitioner/Petitioner

Vs

The State represented by,
Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore District.
(Crime No.455 of 2019)

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition of the Sessions Judge, Mahalir Neethimandram, Mahila Court, Coimbatore, order made in C.M.P.No.578 of 2019, dated 10.10.2019 "produce the nativity certificate and permanent residential proof of the accused issued by Thashildhar with two sureties for a sum of Rs.25,000/- each one of which should be a blood relative and the sureties should produce a solvency certificate issued by Thasildhar for the surety amount".

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as 2nd accused in Crime No.455 of 2019, was granted bail on certain conditions by the learned Sessions Judge, Mahalir Neethimandram, Mahila Court, Coimbatore on 10.10.2019 in C.M.P.No.578 of 2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.W.Camyles Gandhi, 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 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 10.10.2019 passed in C.M.P.No.578 of 2019, to produce the nativity certificate and permanent residential proof of the accused issued by the Thashildhar with two sureties for a sum of Rs.25,000/- each, one of which should be a blood relative and the sureties should produce a solvency certificate issued by Thashildhar for the surety amount, shall stand modified as follows:

"the petitioner shall execute a bond for a sum of Rs.25,000/- with any two sureties each for a like sum".

6. All other observations made in the earlier order dated 10.10.2019 shall remain intact.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge, सत्यमेव जयते
Mahalir Neethimandram,
Mahila Court, Coimbatore.
2. The Superintendent,
Central Prison,
Coimbatore.
3. Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore District.

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

+1cc to Mr.W.Camyles Gandhi, Advocate sr.87997

CrI.O.P.No.28143 of 2019

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