

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.29176 of 2019

1.Palram Biguva
2.Amulya Pariyal
3.Govarthan

...Petitioners

Vs.

State rep by,
Inspector of Police,
E-3, Saravanmpatty Police Station,
Coimbatore District.
(Crime No.1395 of 2018)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on him by the Judicial Magistrate Court Coimbatore, Coimbatore District made in Crl.M.P.No.758 of 2019 in Crime No.1395 of 2018 dated on 08.02.2019 to the effect that the sureties execute a bond for a sum of Rs.10,000/- for one surety, and one surety is from Tamil Nadu having a property valued more than 5 lakhs rupees and shall produce the original documents for the property along with solvency certificate, for each and the petitioner as without insisting one surety is from Tamil Nadu having a property valued more than 5 lakhs rupees and shall produce the original documents for the property along with solvency certificate.

For Petitioners : Mr.S.Parameswaran

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioners, who have been arrayed as accused in Crime No.1395 of 2018, were granted bail on certain conditions by the learned Judicial Magistrate, Coimbatore on 08.02.2019 in Crl.M.P.No.758 of 2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.S.Parameswaran, learned counsel 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 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 conditions imposed in the earlier order dated 08.02.2019 passed in Crl.M.P.No.758 of 2019, directing the petitioners to execute a bond for a sum of Rs.10,000/- each for one surety and another surety from Tamil Nadu having a property valued more than Rs.5,00,000/- and shall produce the original documents for the property along with solvency certificate each is modified to be read as follows:

"the petitioners shall execute a bond for a sum of Rs.10,000/- each for one surety and another bond for a sum of Rs.5,00,000/- each for one surety"

6. All other observations made in the earlier order dated 08.02.2019 shall remain intact.

hvk

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Judicial Magistrate Court,
Coimbatore.

2. The Chief Judicial Magistrate,
Coimbatore.

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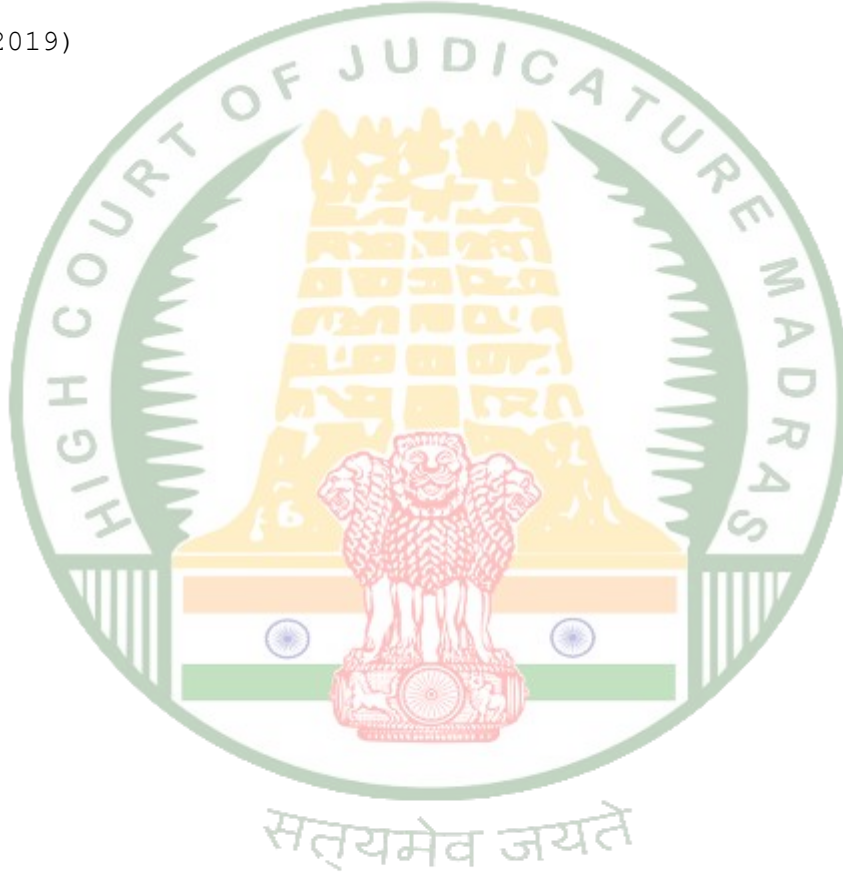
3. The Inspector of Police,
E-3, Saravanmpatty Police Station,
Coimbatore District.

4.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.S.Parameswaran, Advocate, SR.No.90460

Cr1.O.P.No.29176 of 2019

Kak(04/11/2019)



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