

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.29364 of 2019

1.A.Syed Abdul Kasim
2.Abdul Rahman
3.Thameem Ansari

...Petitioners

Vs

State By: The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Regional Unit,
Coimbatore.

(F.No.DRI/CRU/VII/48/ENQ-01/INT-06/2019)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to modify the bail condition that the petitioners to execute two solvent sureties, among them, one surety shall furnish immovable property security for Rs.20,00,000/- by depositing the title deeds of the properties imposed in Crl.M.P.No.3548 of 2019 dated 21.10.2019 ordered by the Principal District and Sessions Court.

For Petitioners : Mr.P.Pugalenth

O R D E R

The petitioners, who have been arrayed as accused, were granted bail on certain conditions by the learned Principal District & Sessions Judge, Coimbatore on 21.10.2019. Seeking to modify the same, the present petition had been filed.

2. 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.

3. 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.

4. In the light of the above observations, the condition imposed in the earlier order dated 21.10.2019 passed in CrI.M.P.No.3548 of 2019, directing the petitioners to execute a bond for a sum of Rs.1,00,000/- each with two solvent sureties, among them, one surety shall furnish immovable property security for Rs.20,00,000/- by depositing the title deeds of the properties to the satisfaction of the Chief Judicial Magistrate, Coimbatore, is modified to be read as follows:

"the petitioners shall execute a bond for a sum of Rs.20,00,000/- each for one surety"

5. All other observations made in the earlier order dated 21.10.2019 shall remain intact.

6. Accordingly, the Criminal Original Petition stands ordered.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To

1.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
Regional Unit,
Coimbatore.

2.The Principal district and sessions Judge,
Coimbatore.

3.The Chief Judicial Magistrate,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.P.Pugalenth, Advocate SR.NO.90905

CrI.O.P.No.29364 of 2019

ASK(04/11/2019