

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.29397 of 2019

R.Sampathkumar

...Petitioner

Vs

The Inspector of Police,
Selvapuram Police Station,
Coimbatore City,
Coimbatore.
Crime No.504 of 2019.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to modify the conditions imposed on the petitioner in Crl.M.P.No.3010 of 2019 dated 26.09.2019 by the learned Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.A.Tamilarasan

For Respondent : Mrs.V.Saratha Devi
Government Advocate (Crl.Side)

O R D E R

The petitioner, who had been arrayed as an accused, was granted anticipatory bail on certain conditions by the learned Principal District & Sessions Judge, Coimbatore on 26.09.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.A.Tamilarasan, learned counsel for the petitioner and Mrs.V.Saratha Devi, learned Government Advocate (Crl. Side) 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 light of the above observations, the petitioner is directed to surrender before the Judicial Magistrate Court No.5, Coimbatore, within a period of one week from the date of receipt of a copy of this order. Consequently, the condition (ii) imposed in the order dated 26.09.2019 passed in Crl.M.P.No.3010 of 2019, directing the petitioner to execute a bond for a sum of Rs.1,00,000/- with two sureties along with solvency certificate for a like sum each to the satisfaction of the Judicial Magistrate No.5, Coimbatore is modified to be read as follows:

"the petitioner shall execute a security bond for a sum of Rs.1,00,000/- with two sureties for a like sum to the satisfaction of the Judicial Magistrate No.5, Coimbatore."

6. All other observations made in the earlier order dated 26.09.2019 shall remain intact.

7. Accordingly, the Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

- 1.The Judicial Magistrate No.5,
Coimbatore.
- 2.The Principal District and Sessions Judge,
Coimbatore.
- 3.The Inspector of Police,
Selvapuram Police Station,
Coimbatore City, Coimbatore.

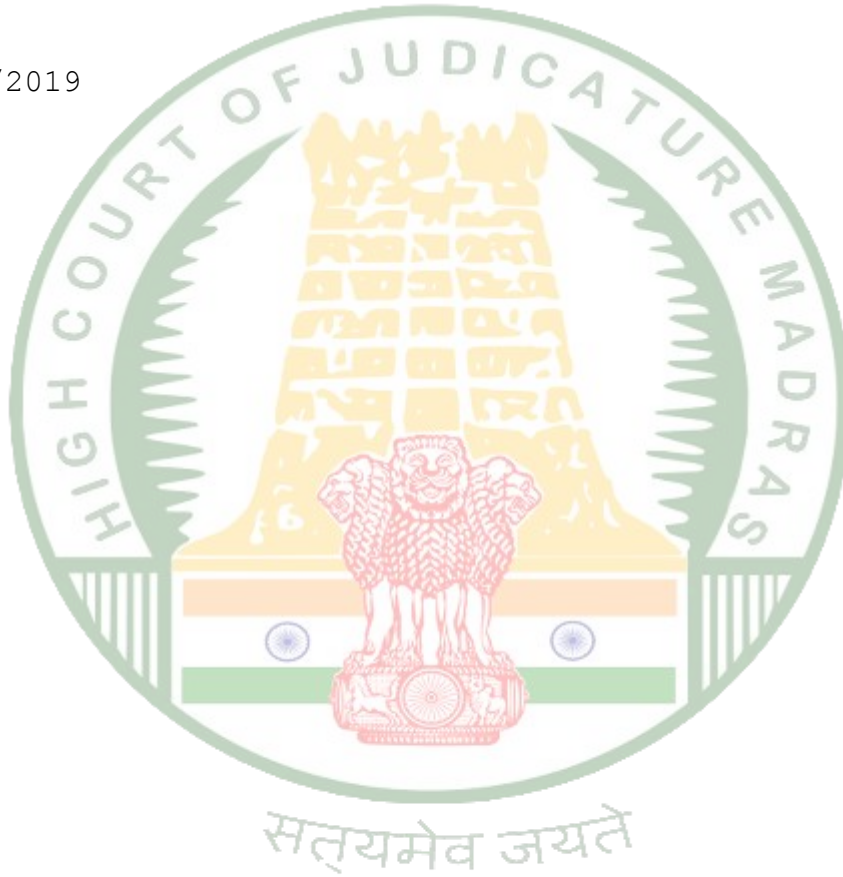
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4.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.A.Tamilarasan, Advocate Sr.90989

CrI.O.P.No.29397 of 2019

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srg 06/12/2019



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