

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.11.2019
CORAM
THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl.O.P.No.30316 of 2019

Neelamegam

...Petitioner

Vs

State by
Inspector of Police,
Avinasi Police Station,
Avinasi, Tiruppur Dist.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition No.2 directing the petitioner to execute a bond for Rs.10 lakhs along two sureties for the like sum for grant of interim custody of the vehicle custody of the vehicle imposed in Crl.M.P.No.7442 of 2019 by order dated 24.10.2019 on the file of the Judicial Magistrate, Avinasi.

For Petitioner : Mr.S.Kalyanaraman

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The prayer in the present petition is to modify the condition No.2 imposed by the learned Judicial Magistrate, Avinasi by an order dated 24.10.2019 in Crl.M.P.No.7442 of 2019.

2. Heard Mr.S.Kalyanaraman, 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 or anticipatory bail or release of vehicles in Thiruvazagam Vs. State rep. by the Inspector of Police, B1, North Beach Police Station, Chennai-600 001 in Crl.O.P.No.20483 of 2017 dated 05.10.2017. By relying on various Judgements 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 condition 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 condition No.ii imposed by the learned Judicial Magistrate, Avinasi in CrI.M.P.No.7442 of 2019, directing the petitioner to execute a bond for a sum of Rs.10,00,000/- along with two sureties for the like sum, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties for the like sum.

6. All other observations made in the earlier order dated 24.10.2019 in CrI.M.P.No.7442 of 2019, shall remain intact.

7. Accordingly, this Criminal Original Petition stands ordered.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Avinasi.

2a. do Thro The Chief Judicial magistrate
Tiruppur

2. The Inspector of Police,
Avinasi Police Station,
Avinasi,
Tiruppur District.

4. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.S.Kalyanaraman Advocate sr97484

CrI.O.P.No.30316 of 2019

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