

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2019
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.30007 of 2019

Thulasi

...Petitioner

Vs.

State rep by,
The Inspector of Police,
Maduranthakam Police Station,
Kancheepuram District.
(Crime No.281 of 2019)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition (No.6) imposed by the Principal District and Sessions Judge Chengalpattu, by its order dated 24.10.2019 made in Crl.M.P.No.4275 of 2019, as to execute a bond for a sum of Rs.1,00,000/- instead of the condition that the petitioner has to deposit a sum of Rs.1,00,000/- as cash deposit.

For Petitioner : Mr.R.Sasikumar

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.6 imposed by the learned Principal District and Sessions Judge Chengalpattu, by its order dated 24.10.2019 made in Crl.M.P.no.4275 of 2019.

2. Heard Mr.R.Sasikumar, 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 Thiruvasagam 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 present 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.(6) imposed by the learned Principal District and Sessions Judge, Chengalpattu, directing the petitioner to deposit a sum of Rs.1,00,000/- is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties each for a like sum.

6. All other observations made in the earlier order dated 24.10.2019 in CrI.M.P.No.4275 of 2019 shall remain intact.

7. Accordingly, this Criminal Original Petition stands ordered.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jas/hvk

To

1.The Principal District and Sessions Judge,
Chengalpattu.

2.The Inspector of Police,
Maduranthakam Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.R.Sasikumar Advocate sr92957

CrI.O.P.No.30007 of 2019

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