

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2019
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.30565 of 2019

M.Mahadev Sharma

...Petitioner/Accused

Vs.

1.The State of Tamilnadu,
Represented by,
The Deputy Superintendent of Police,
District Crime Branch P.S, Vellore District.

2.S.V.Sekar

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. pleased to modify the onerous 1st and 3rd conditions 1) That two blood relatives of the petitioner/accused shall execute bond to the tune of Rs.2,75,00,000/- by depositing property document valued at Rs.2,75,00,000/- and 3) That the petitioner/accused shall sign before the respondent police at 10.00 am daily from the next day of his release until further order imposed in order passed in Crl.M.P.No.4629 of 2019 in Crime No.23 of 2019, dated 06.11.2019, on the file of Hon'ble Judicial Magistrate at Gudiyatham, Vellore District and permit the petitioner/accused to release on bail without such onerous conditions as such onerous conditions is impossible for any person to comply such conditions.

For Petitioner : Mr.G.Shivasurya

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

सत्यमेव जयते
O R D E R

This criminal original petition has been filed to modify the onerous 1st and 3rd conditions 1) That two blood relatives of the petitioner/accused shall execute bond to the tune of Rs.2,75,000/- by depositing property document valued at Rs.2,75,000/- and 3) That the petitioner/accused shall sign before the respondent police at 10.00 am daily from the next day of his release until further order imposed in order passed in Crl.M.P.No.4629 of 2019 in Crime No.23 of 2019, dated 06.11.2019, on the file of Hon'ble Judicial Magistrate at

Gudiyatham, Vellore District and permit the petitioner/accused to release on bail without such onerous conditions as such onerous conditions is impossible for any person to comply such conditions.

2. It is now a settled law that when a Court considers a statutory bail, onerous condition cannot be imposed and the Court has to satisfy itself with the only requirement as to whether the accused persons are prepared to furnish bail. Useful reference can be made to the Judgement of this Court in 2019 1 LW(Crl.) 387 in the case of Umadevi Vs. The State Rep. by the Inspector of Police, EOW II, Coimbatore. Therefore, the condition imposed by the Court below requires interference and since the petitioner is not in a position to comply with the said condition, he is not able to come out on bail till today.

3. In the result, the condition imposed by the Court below that two blood relatives of the petitioner/accused shall execute bond to the tune of Rs.2,75,00,000/- by depositing property document valued at Rs.2,75,00,000/-, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties for a like sum.

4. All other observations made in the earlier order dated 06.11.2019 in Crl.M.P.No. 4629 of 2019 shall remain intact.

5. Accordingly, this Criminal Original Petition stands ordered.

-s/d-
Assistant Registrar

True Copy

Sub-Registrar Registrar

To

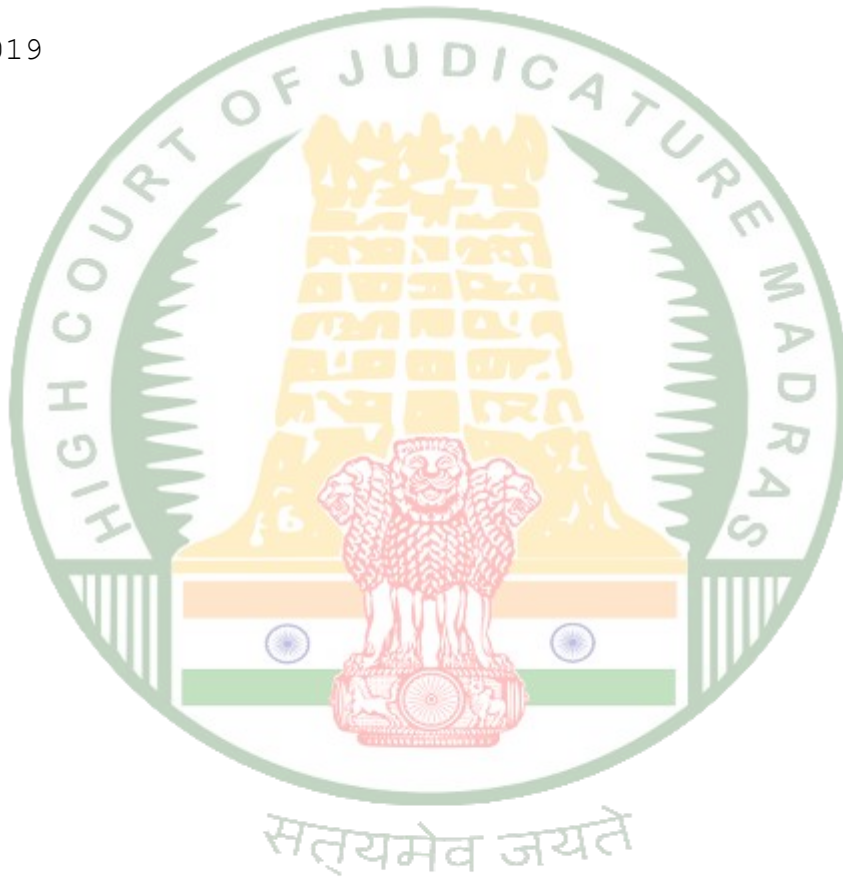
1. The Judicial Magistrate, Gudiyatham,
Vellore District.
2. The Deputy Superintendent of Police,
District Crime Branch P.S,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.G.Shivasurya Advocate sr94814

CrI.O.P.No.30565 of 2019

aa20/11/2019



WEB COPY