

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019
CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CrI.O.P.No.30855 of 2019

1.Pandiyarajan @ Pandiprabu @ Prabu
2.Sivasubramaniam @ Suburu

...Petitioners

Vs

The State Rep. By its,
Inspector of Police,
Mecheri PS,
(Cr.No.363/2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition para (1) imposed in C.M.P.No.3526 of 2019 in Crime No.363 of 2019 order dated 06.11.2019, on the file of the Principal Sessions Judge, Salem and direct the petitioner to produce the normal surety instead of Official Surety or any other order.

For Petitioners: Mr.K.Sathishkumar

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

The petitioners, who have been arrayed as accused in Crime No.363 of 2019, were granted bail on certain conditions by the learned Principal Sessions Judge, Salem, on 06.11.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.K.Sathish Kumar, learned counsel for the petitioners 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 in S.J.John Basil & other vs State Rep. by its Deputy Superintendent of Police, EOW-II, Guindy, Chennai - 600032 in CrI.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 result, the Criminal Original Petition stands allowed. Consequently, the conditions imposed in the earlier order dated 06.11.2019 passed in C.M.P.No.3526 of 2019, insofar as the condition 1 is modified to the effect that the Petitioners shall execute a bond for a sum of Rs.50,000/- with two sureties for a like sum.

6. All other observations made in the earlier order dated 06.11.2019 shall remain intact.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

jas/hvk
To

1.The Principal Sessions Judge,
Salem.

2.The Inspector of Police,
Mecheri Police Station

3.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.K.Sathish Kumar, Advocate sr 95346.

सत्यमेव जयते

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EV(CO)
SP(04/12/2019)

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