



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.30863 of 2019

WEB COPY

Raji

...Petitioner

Vs

State Rep. by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Cr.No.371/2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition imposed in Crl.M.P.No.5496 of 2019 order dated 11.11.2019 on the file of the Principal District and Sessions Judge at Thiruvallur the petitioner directed to executing a bond for the like sum of Rs.50,000/- with two sureties and also directed to deposit a sum of Rs.10,000/- before the jurisdictional Tahsildar, enabling the petitioner to comply with the order.

For Petitioner : Mr.P.Chandra Sekar

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.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

jas/hvk
To

1.The Principal District and Sessions Judge,
Thiruvallur.

2.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court of Madras.



+1 cc to Mr.P.Chandrasekar Advocate sr95413

Cr1.O.P.No.30863 of 2019

WEB COPY

aa26/12/2019