

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.30987 of 2019

Mustafa

...Petitioner

Vs

State by Inspector of Police,  
R-8, Vadapalani Police Station,  
Chennai.  
(Cr.No.363/2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition No.2 "each shall deposit a sum of Rs.1,50,000/- to the credit of Crime No.363 of 2019" imposed by the learned XVII Metropolitan Magistrate, Saidapet in Crl.M.P.No.4343 of 2019 dated 31.10.2019.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mrs.V.Saratha Devi  
Government Advocate (Crl.Side)

ORDER

The petitioner, who had been arrayed as one of the accused in Crime No.363 of 2019, was granted bail on certain conditions by the learned XVII Metropolitan Magistrate, Saidapet on 31.10.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.S.N.Arun Kumar, learned counsel for the petitioner and Mrs.V.Saratha Devi, learned Government Advocate (Crl.Side) 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 Crl.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 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 Criminal Original Petition stands allowed. Consequently, the condition No.2 imposed in the earlier order dated 31.10.2019 passed in CrI.M.P.No.4343 of 2019, directing the petitioner to deposit a sum of Rs.1,50,000/- to the credit of Crime No.363 of 2019, is modified to the effect that the petitioner herein shall execute a bond for a sum of Rs.1,50,000/- with two sureties for a like sum.

6. All other observations made in the earlier order dated 31.10.2019 passed in CrI.M.P.No.4343 of 2019, shall remain intact.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

jas/hvk  
To

1.The XVII Metropolitan Magistrate,  
Saidapet.

2.The Inspector of Police,  
R-8, Vadapalani Police Station,  
Chennai.

3.The Public Prosecutor,  
High Court of Madras.

+1 CC to Mr.S.N.Arun Kumar, Advocate sr 96319.

WEB COPY

CrI.O.P.No.30987 of 2019

VGI (CO)  
SP(22/11/2019)