

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.31273 of 2019

K.Devendran

...Petitioner

Vs

State Rep. by
The Inspector of Police,
Maduranthakam Police Station,
Kancheepuram District.
(Crime No.280 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition imposed by the Principal District and Sessions Judge, Chengalpattu, by its order dated 11.11.2019 made in Crl.M.P.No.4142 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

ORDER

The prayer in the present petition is to modify the condition imposed by the learned Principal District and Sessions Judge, Chengalpattu, by its order dated 11.11.2019 made in Crl.M.P.No.4142 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 Thiruvvasagam 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. Since the petitioner had already deposited a sum of Rs.30,000/-, pursuant to the condition order in an anticipatory bail application passed by this Court in Crl.O.P.No.28750 of 2019 dated 31.10.2019, it would be appropriate to relax the present condition.

5. In the result, the condition imposed by the learned Principal District and Sessions Judge in Crl.M.P.No.4142 of 2019, directing the petitioner to deposit a sum of Rs.1,00,000/- before the jurisdictional Tahsildar concerned, shall stand relaxed.

6. All other observations made in the earlier order dated 11.11.2019 in Crl.M.P.No.4142 of 2019, shall remain intact.

7. Accordingly, this Criminal Original Petition stands ordered.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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 M/s.R.Sasikumar Advocate sr97000

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