

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.31698 of 2019

Nagachari

...Petitioner

Vs

State Rep. by its
Forest Range Officer,
Denkanikotta Range,
Krishnagiri District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition, "the petitioner shall deposit a sum of Rs.2,50,000/- before the District Munsif Cum Judicial Magistrate, Denkanikotta" imposed in Crl.M.P.No.2336 of 2019 dated 11.11.2019 on the file of the Principal sessions Judge, Krishnagiri.

For Petitioner : Mr.S.C.Vishwanth

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as 2nd accused in WLOR No.14 of 2019, was granted bail on certain condition by the learned Principal Sessions Judge, Krishnagiri on 11.11.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.S.C.Vishwanth, 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 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 imposed in the earlier order dated 11.11.2019 passed in CrI.M.P.No.2336 of 2019, directing the petitioner to deposit a sum of Rs.2,50,000/- before the learned District Munsif-cum Judicial Magistrate, Denkanikottai in concerned crime number is modified to the effect that the petitioner shall execute a bond for a sum of Rs.2,50,000/- with two sureties for a like sum, before the learned District Munsif-cum Judicial Magistrate, Denkanikottai in concerned crime number.

6. All other observations made in the earlier order dated 11.11.2019 shall remain intact.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal sessions Judge, Krishnagiri.
2. The District Munsif Cum Judicial Magistrate, Denkanikottai.
3. The Forest Range Officer,
Denkanikotta Range, Krishnagiri District.
4. The Additional Public Prosecutor,
High Court of Madras.

+1 cc to M/s.S.C.Viswanth, Advocate Sr.No. 98153

AKM/28.11.19/2P-6C /

CrI.O.P.No.31698 of 2019