



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CrI.O.P.No.31775 of 2019

Ani Vapala Mohandas

...Petitioner

Vs

State Rep. by
The Inspector of Police,
Central Crime Branch, Team III,
EDF-II, Vepery, Chennai.
(Cr.No.511 of 2015)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the condition that the petitioner deposit a sum of Rs.10,00,000/- and modify the condition from Central Crime Branch, Team III, EDF-II, Vepery, Chennai to Central Crime Branch, Bangalore.

For Petitioner : Mr.Mohammed Aasif

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.511 of 2015, was granted bail on certain conditions by the learned Principal Sessions Judge, Chennai on 01.11.2019. Seeking to modify the same, the present petition had been filed.

2. Heard Mr.Mohammed Aasif, 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 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 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 (b) imposed in the earlier order dated 01.11.2019 passed in Crl.M.P.No.22961 of 2019, directing the petitioner to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the Crime No.511 of 2015 before the said Court, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum.

6. All other observations made in the earlier order dated 01.11.2019, shall remain intact.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

hvk
To

1. The Principal Sessions Judge,
Chennai.
2. The Inspector of Police,
Central Crime Branch, Team III,
EDF-II, Vepery, Chennai.
3. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.Mohammed Assif, Advocate sr 100510.

Crl.O.P.No.31775 of 2019

SP(03/12/2019)