

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.No.32500 of 2019

S.Uduman Farook

.. Petitioner

Vs.

State by
The Senior Intelligence Officer
Directorate of Revenue Intelligence
Behind Indian Airlines, 1103,
Trichy Road
Coimbatore-641 018.
Crime No.F.No.DRI/CRU/VIII/
48/ENQ-01/INT/-06/2019

.. Respondent

PRAYER: Criminal Original petition have been filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed in Crl.M.P.No.3672 of 2019 vide order dated 30.10.2019, passed by the Principal District and Sessions Judge, Coimbatore, directing the petitioner to execute a bond for Rs.1,00,000/- with two solvent sureties, among them, one surety shall furnish immovable property security for a value of not less than Rs.7,00,000/- by depositing the title deeds of the properties to the satisfaction of the Chief Judicial Magistrate, Coimbatore.

For Petitioner : Mr.C.Murugendran

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor
for DRI Cases

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O R D E R

The petitioner, who has been arrayed as accused, was granted bail on certain conditions by the learned Principal District and Sessions Judge, Coimbatore on 30.10.2019 seeking to modify the same, the present petition had been filed.

2. 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-600 032, in CrI.O.P No.2600 of 2019 dated 06.02.2019. Be 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.

3. I am of the view that the conditions imposed by the trial Court are similar onerous conditions and in view of the stand taken in the aforesaid order, the present petition seeking for modification also requires consideration.

4. In the light of the above observations, the condition imposed in the earlier order dated 30.10.2019 passed in CrI.M.P No.3672 of 2019, directing the petitioner to execute a bond for a sum of Rs.1,00,000/- each with two solvent sureties, among them, one surety shall furnish immovable property security for a value of not less than Rs.7,00,000/- by depositing the title deeds of the properties to the satisfaction of the Chief Judicial Magistrate, Coimbatore, is modified to be read as follows:

"the petitioner shall execute a bond for a sum of Rs.7,00,000/- for one surety".

5. All other observations made in the earlier order dated 30.10.2019 shall remain intact.

6. Accordingly, the Criminal Original Petition stands ordered.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Coimbatore.

2. The Chief Judicial Magistrate,
Coimbatore.

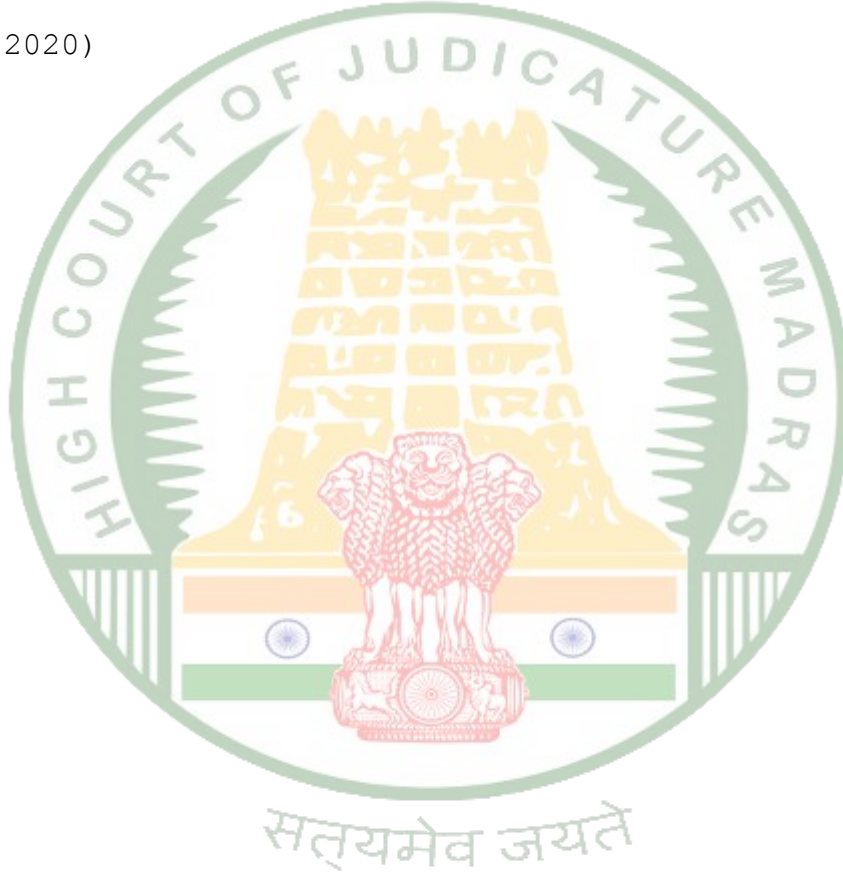
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3.The Senior Intelligence Officer
Directorate of Revenue Intelligence
Behind Indian Airlines, 1103,
Trichy Road
Coimbatore-641 018.

4.The Public Prosecutor,
Madras High Court.

CrI.O.P.No.32500 of 2019

PP (CO)
GMY (21/02/2020)



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