



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 24/11/2021**

PRONOUNCED ON: 26/11/2021

CORAM

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18205 of 2021

Aarish Shanth,
S/o.Rabeek,
61/67, Dippo Road,
Bharathipuram, Adiyanuthu,
Nagai Nagar,
Dindigul District.

... Petitioner/Petitioner/
Accused Rank not known

Vs

The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
(Cr.No. 851/2020)

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Anbumanikandan K,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR MODIFICATION Under Sec.482 R/W 439(1)(b) of Cr.P.C

PRAYER :-

to modify the conditions imposed on the petitioner by the order of the Learned Principal Sessions Judge, Dindigul dated 03.06.2021 made in Cr.M.P.(No).1883/2021 and thus render justice.

ORDER : The Court made the following order :-

This Criminal Original Petition is filed seeking to modify the condition imposed in Crl.M.P.No.1883/2021, on the file of the Principal Sessions Court, Dindigul, directing the Petitioner to deposit a sum of Rs.50,000/- as non-refundable amount, without prejudice of his rights to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul-624 001 - Account No.5616101004223/IFSC Code NO.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) on or before 16.06.2021, for Corona Relief Activities.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The case of the prosecution is that the defacto complainant is working in New Vision Land Promotoers for the past 13 years, that on 25.11.2020 at about 06.30p.m.,, while the defacto complainant and her company owner Ganesan went to attend a meeting at Sangaiah Hall near Kodai Road and that the accused kidnapped them for ransom and voluntarily caused hurt in committing robbery. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that while granting anticipatory bail in this case, the learned Principal Sessions Judge, Dindigul has imposed a condition against the petitioner herein to deposit a sum of Rs.50,000/- as non-refundable amount, without prejudice of his rights to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul-624 001 - Account No.5616101004223/IFSC Code NO.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) on or before 16.06.2021, for Corona Relief Activities, without assigning any reason. He would further submit that the petitioner is a coolie and due to poverty, he is not in a position to pay the huge amount of Rs.50,000/- and hence, he seeks to modify the said condition.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the accused kidnapped the defacto complainant and her company owner for ransom and caused hurt in committing robbery and and after considering the facts and circumstances of the case, the learned Principal Sessions Judge has rightly imposed such condition while granting anticipatory bail. He would further submit that the investigation in this case is completed and the co-accused were already enlarged on bail.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State and perused the materials placed on record.

6. On a perusal of the records, it could be seen that while granting anticipatory bail to the accused, the learned Principal Sessions Judge has imposed the condition against the petitioner herein, directing him to deposit a sum of Rs.50,000/- as non-refundable amount, without prejudice of his rights to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul-624 001 - Account No.5616101004223/IFSC Code NO.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) on or before 16.06.2021, for Corona Relief Activities. As rightly pointed out by the learned Counsel for the petitioner, the learned Principal Sessions Judge, without assigning any reason, has casually imposed the impugned condition for depositing Rs.50,000/- (Rupees Fifty thousand only).

7. The Honourable Supreme Court in **Sandeep Jain Vs. National Capital Territory of Delhi** reported in **CDJ 2000 SC 025** has specifically held that any bail condition which is in the nature of



onerous condition is against law. Again in **Ramathal & Others Vs. Inspector of Police & Another** reported in **CDJ 2009 SC 443**, the Honourable Apex Court has disapproved the bail condition imposed by the bail Court to deposit huge amount.

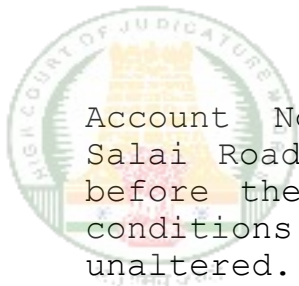
8. No doubt, the bail Courts while granting bail have the power to impose conditions, but the same is available to ensure the availability of the accused during investigation and during trial. The imposition of bail conditions should be based on sound judicial principles and should not be arbitrary and mechanical and should not be for the sake of imposition of bail conditions.

9. As rightly held by this Court in **Navaneetha Krishnan Vs. Inspector of Police, Natrampalli Police Station, Vellore District**, reported in **2015 (2) MWN (Cr.) 53**, the imposition of onerous and stringent conditions would amount to denial of bail and that under the guise of imposition of bail condition, there shall not be imposition of any onerous condition.

10. In the case on hand as already pointed out, the learned Principal Sessions Judge has imposed a condition on the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) and that too without assigning any reason and the same can only be considered as onerous condition. Considering the above, this Court has no hesitation to hold that the impugned condition is not good in law and the same is liable to be modified.

11. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.10,000/- as non-refundable amount, without prejudice to his rights to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul-624 001 - Account No.5616101004223/IFSC Code NO.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) and produce the receipt/acknowledgment before the concerned Court while executing sureties and the petitioner has also filed an affidavit to that effect.

12. Considering the facts and circumstances and also considering the affidavit filed by the petitioner, this Criminal Original Petition is allowed and the impugned condition passed in Crl.M.P.No.1883/2021, on the file of the Principal Sessions Court, Dindigul, directing the petitioner to deposit a sum of Rs.50,000/- as non-refundable amount, without prejudice of his rights to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul-624 001 - Account No.5616101004223/IFSC Code NO.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) on or before 16.06.2021 is modified to the effect that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable amount, without prejudice of his rights to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul-624 001 -



Account No.5616101004223/IFSC Code NO.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) and produce the receipt/acknowledgment before the concerned Court while executing sureties. The other conditions imposed in Cr.M.P.NO.1883 of 2021 stand remained unaltered.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Principal Sessions Court, Dindigul.
2. The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Dean,
Dindigul Medical College Head Quarters Hospital,
Dindigul-624 001.

CRL OP(MD) No.18205 of 2021

Date : 26/11/2021

RK(07/12/2021) 4P 5C