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Crl OP No.10863 / 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 10863 of 2023

G.Raja

... Petitioner

Versus

State represented by
The Station House Officer,
Thirunallar Police Station,
Karaikal. (Crime No.18 of 2023)

... Respondent

PRAYER : Criminal Original Petition has been filed under Section 439 r/w 482 of the Criminal Procedure Code, to modify the condition imposed on the petitioner in the anticipatory bail order dated 12.04.2023 passed by the learned Sessions Judge, Karaikal, in Crl.M.P.No.162 of 2023 in Crime No.18 of 2023 pending on the file of the respondent herein.

For Petitioner : Mr. S.P.Vijayaragavan

For Respondent : Mr. K.S.Mohan Das
Additional Public Prosecutor
(Puducherry)

ORDER

This petition is to modify the condition imposed on the petitioner in paragraph 6(i) of the order dated 12.04.2023 passed by the learned Sessions Judge, Karaikal, in Crl.M.P.No.162 of 2023 in Crime No.18 of 2023 pending on the file of the respondent herein, while granting anticipatory bail to the petitioner.



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2.This Court finds that the condition to deposit a sum of Rs.3,00,000/- is onerous and the same cannot be imposed as a condition for grant of Anticipatory Bail. The Hon'ble Apex Court and this Court have time and again held that onerous conditions cannot be imposed, while passing bail orders.

3.In such view of the matter, the condition to deposit a sum of Rs.3,00,000/- imposed on the petitioner by the learned Sessions Judge, Karaikal, is set aside. It is made clear that all other conditions imposed by the learned Sessions Judge shall remain unaltered. The petitioner is granted two weeks time from the date of receipt of a copy of this order to surrender before the trial Court and produce sureties.

4.With the above modification, this criminal original petition stands ordered.

11.05.2023

ay/nsd

Index: Yes / No

Speaking Order / Non-speaking order

Neutral case citation: Yes / No



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To

1.The Sessions Judge,
Karaikal.

2.The Station House Officer,
Thirunallar Police Station,
Karaikal.

3.The Additional Public Prosecutor,
Puducherry.



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SUNDER MOHAN, J

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