



Crl.O.P.(MD)No.14723 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14723 of 2025

and

Crl.M.P.(MD).No.11937 of 2025

Siranjeevi

... Petitioner/Defacto Complainant

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB,
Theni.
(Cr.No.13/2025)

... 1st Respondent/Complainant

2.Sooraj

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order passed in Crl.M.P.No.1654 of 2025 on the file of the Principal Sessions Judge, Theni dated 05.08.2025 by modifying the condition order passed by the Judicial Magistrate Court, Theni in Crl.M.P.No.1842 of 2025 dated 23.06.2025.

For Petitioner : Mr.K.R.Manimaran

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed challenging the order passed in Crl.M.P.No.1654 of 2025 on the file of the learned Principal Sessions Judge, Theni dated 05.08.2025, modifying the condition order passed by the Judicial Magistrate Court, Theni in Crl.M.P.No.1842 of 2025 dated 23.06.2025.

2. By the impugned order, the learned Sessions Judge had set aside a condition imposed on the second respondent herein to deposit a sum of Rs.40,00,000/- while granting bail.

3. The learned counsel for the petitioner would submit that the second respondent is a habitual offender; that the learned Magistrate is empowered to impose any condition as deemed fit as per Section 480(3)(c) of BNSS, 2023; and that therefore, the learned Sessions Judge was wrong in setting aside the condition imposed by the learned Magistrate while granting bail.

4. The Hon'ble Supreme Court has on several occasions disapproved the practice of imposing onerous conditions while granting bail. Hence, this Court is of the view that the order passed by the learned Sessions Judge in setting



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aside an onerous condition is in accordance with the settled position of law.

Therefore, there is no infirmity in the impugned order calling for interference.

5. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

08.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Principal Sessions Court,
Theni.

2.The Judicial Magistrate Court,
Theni.

3.The Inspector of Police,
DCB, Theni.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SUNDER MOHAN, J.

Lm

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