

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION NO.3153 OF 2020

IN CRL.A.NO.482 OF 2019

R.SAKTHIVEL

[PETITIONER / APPELLANT]

Vs

THE STATE

[RESPONDENT]

REPRESENTED BY INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
THIRUVANNAMALAI DETACHMENT,
THIRUVANNAMALAI DISTRICT
CRIME NO.3/2015

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the bail condition to appear on the first working day of every monday at 10.30 a.m before the trial court imposed by this Hon'ble High Court by an order dated 01.08.2019 in CRL.MP.NO.10545 of 2019 in CRL.A.NO.482 of 2019 pending disposal of the main CRL.A.NO.482 OF 2019 [IN CRL.MP.NO.3153 OF 2020]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. V.ARUNAGIRI, Advocate for the petitioner and of MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed to relax the bail condition imposed on the petitioner to appear on the first working day of every month at 10.30 a.m. before the trial Court imposed by this Court by an order dated 01.08.2019 in Crl.M.P.No.10545 of 2019 in Crl.A.No.482 of 2019 pending disposal of the main appeal.

2.This Court, vide its order dated 01.08.2019 while suspending the substantive sentence of imprisonment imposed on the petitioner pending disposal of the appeal, enlarged him on bail on one of the condition that the petitioner should report before the trial court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

3.The learned counsel for the petitioner submitted that the petitioner/accused was convicted by the Chief Judicial Magistrate and Special Court for Prevention of Corruption Act Cases, Thiruvannamalai in Special Case No.2 of 2017, dated 18.07.2019, for the offence under Section 7, 12, 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988. Against which the petitioner had preferred an appeal in Crl.A.No.482 of 2019 before this Court and sought bail in Crl.M.P.No.10545 of 2019. This Court by order dated 01.08.2019 had suspended the sentence and granted bail and directed the petitioner to appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the above appeal.

4.The petitioner had filed this relaxation petition stating that the petitioner was subsequently convicted in yet another case in Special Case No.34 of 2015 by the Special Court for Prevention of Corruption Act Cases, Villupuram, dated 22.01.2020. Against which he had filed an appeal in Crl.A.No.53 of 2020 before this Court and this Court had suspended the sentence and granted bail with a condition to appear before the Special Court for Prevention of Corruption Act Cases, Villupuram on the first working day of every month at 10.30 a.m., until further orders vide an order dated 05.02.2020 in Crl.M.P.No.963 of 2020 in Crl.A.No.53 of 2020.

5.The petitioner finds it difficult to comply with the condition and he is unable to appear on the first working day of every English Calendar month at both before the Special Courts at Thiruvannamalai and Villupuram. Hence, he seeks for relaxation of the above said condition.

6.The learned Additional Public Prosecutor submitted that the petitioner had been complying with the condition without any default.

7.Considering the submission of the learned counsel for the petitioner that the petitioner has been complying with the conditions for the without any default and finding difficulty to appear before both the Special Courts at Thiruvannamalai and Villupuram at the same time, this Court is inclined to modify the condition imposed on the petitioner.

8. Accordingly, this petition is modified with the condition that the petitioner shall report before the Chief Judicial Magistrate and Special Court for Prevention of Corruption Act Cases, Thiruvannamalai on every second working day of the English Calendar month at 10.30 a.m., until further orders.

-sd/-
11/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
AND SPECIAL COURT FOR PREVENTION OF
CORRUPTION ACT CASES, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
FOR V & AC, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI - CORRUPTION,
THIRUVANNAMALAI DETACHMENT,
THIRUVANNAMALAI DISTRICT.

C.C. to M/S. V.ARUNAGIRI Advocate on payment of necessary charges

Order

in
CRL MP.3153/2020
in
CRL A.482/2019

Date :11/03/2020

From 7.2.2001 the Registry is issuing certified
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MK:17/03/2020

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