

Crl.M.P.Nos.5682 and 5683 of 2020 in Crl.O.P.No.6349/2020

T.RAJA, J.

This Court by an order dated 19.03.2020 in Crl.O.P.No.6349/2020, while granting anticipatory bail to the petitioner for the offences under Sections 379, 430 of IPC read with Section 21(1) of Mines and Minerals (Development Regulation) Act, in Crime No.99 of 2020, imposed one of the conditions that in the event of arrest or on his appearance, within a period of fifteen days from the date of which the order copy was made ready, before the learned Judicial Magistrate No.I, Kancheepuram on condition that the petitioner execute a separate bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned or the police officer who intends to arrest the petitioner. While so, the petitioner has filed Crl.M.P.No.5682/2020 seeking extension of time in Crl.O.P.No.6349/2020 to execute the surety by four weeks and Crl.M.P.No.5683/2020 seeking modification of the condition to surrender before the concerned respondent police station instead of surrendering before the Judicial Magistrate concerned for executing the sureties in Crl.O.P.No.6349/2020.

2. When the matters were called, the learned Counsel for the petitioner submitted that in view of the lock down announced by the Government of Tamil Nadu and the Central Government due to Covid 19 pandemic situation, the Copy Application in CrI.O.P.No.6349/2020 was made ready only on 02.06.2020 and received by him only on 13.08.2020. The learned Counsel for the petitioner further submitted that since the petitioner is an aged person and settled at his native place, he could not contact him for surrendering before the Judicial Magistrate concerned and to execute the sureties. He also submitted that though the lower courts are started functioning from 07.09.2020 with limited cases, the learned Judicial Magistrate No.I, Kancheepuram was not accepting the sureties. Therefore, both the petitions seeking modification to surrender before the respondent police concerned and for extension of time for executing the sureties may be allowed as prayed for, it is pleaded.

3. Learned Government Advocate (CrI.Side) appearing for the respondent has no objection for ordering these two petitions.

4. Considering the facts and circumstances of the matter and the fact that due to covid 19 pandemic situation, lock down was announced by both the State and Central Governments, it appears that there was a delay in issuing the order copy and surrendering before the lower court concerned for the execution of the sureties. It also appears that though on 07.09.2020 onwards, physical hearing is permitted to the lower courts, they are dealing with only limited cases in order to avoid the spreading of Covid 19 pandemic. Therefore, accepting the contentions raised by the learned Counsel for the petitioner, this Court grants permission to the petitioner to surrender before the respondent police concerned, instead of surrendering before the Judicial Magistrate concerned to execute the sureties and this Court also grants further two weeks from today for the execution of the order passed in CrI.O.P.No.6349/2020 dated 19.03.2020. It is made clear that all other conditions imposed in CrI.O.P.No.6349/2020 will remain unaltered.

5. With the above direction and observation, both the petitions are ordered.

29.09.2020

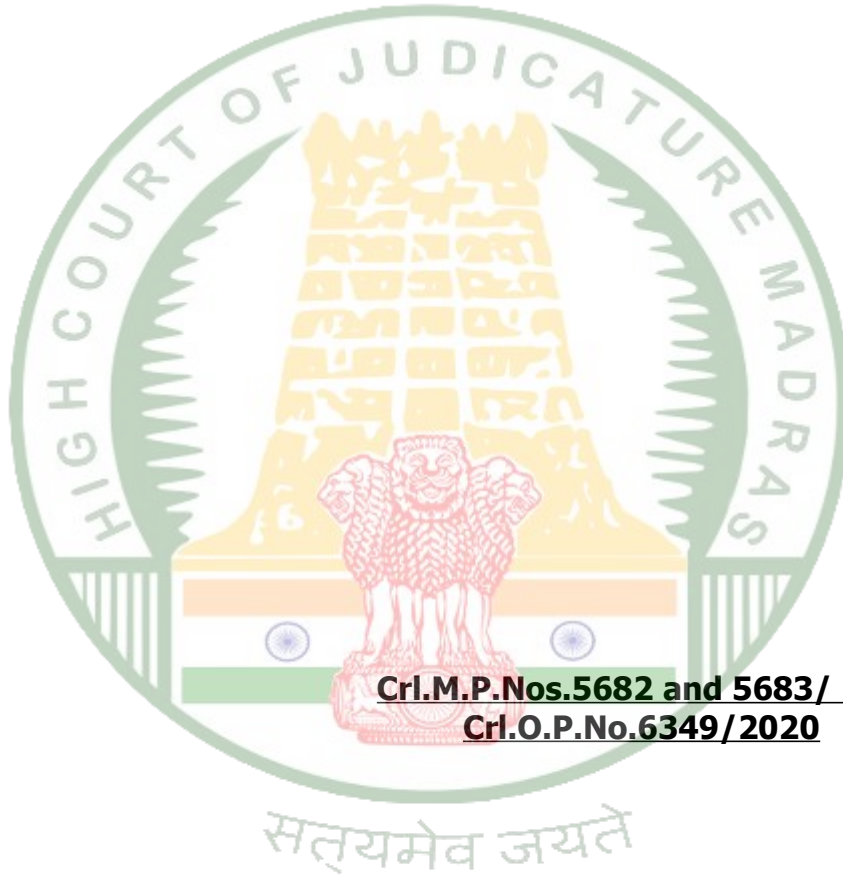
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