

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR.JUSTICE R. PONGIAPPAN

W.P.No.7427 of 2020

G.Mohanakrishnan,
President,
Madras High Court Advocates Association,
Member, Bar Council of Tamil Nadu and Puducherry,
No.176, Law Chambers,
High Court Buildings,
Chennai. Petitioner

Vs.

1. The Chief Secretary,
Govt. of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The Home Secretary,
Govt. of Tamil Nadu,
Fort St. George,
Chennai-600 009.
3. The Director General of Police,
Tamil Nadu,
Rajaji Salai, Chennai.
4. The Commissioner of Police,
Chennai, Vepery, Chennai.
5. The Registrar General
of High Court of Madras,
High Court,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus and grant liberty to the persons who are in the Jail and the persons who have filed Bail Petitions by way of an interim bail except in heinous Crimes all over Tamil Nadu as well as take on file the Mandatory Bail Petitions and hear the same and hear the Bail Petitions filed through e-mail in accordance with law.

For Petitioner : Mr.G.Mohanakrishnan,
Petitioner-in-person

For Respondents: Mr.S.R.Rajagopal,
Addl. Advocate General,
assisted by
Mr.V.Jayaprakash Narayanan, Govt. Pleader and
Mr.E.Balamurugan, Spl.G.P for RR-1 and 2

Mr.R.Prathap Kumar, Addl.P.P for RR-3 and 4

Mr.P.Kannan Kumar for R-5

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Habeas Corpus and grant liberty to the persons who are in the Jail and the persons who have filed Bail Petitions by way of an interim bail except in heinous Crimes all over Tamil Nadu as well as take on file the Mandatory Bail Petitions and hear the same and hear the Bail Petitions filed through e-mail in accordance with law.

2. Mr.S.R.Rajagopal, learned Additonal Advocate General, assisted by Mr.V.Jayaprakash Narayanan, learned Government Pleader and Mr.E.Balamurugan, learned Special Government Pleader, takes notice for the respondents 1 and 2.Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice for the respondents 3 and 4. Mr.P.Kannan Kumar, learned Standing Counsel takes notice for the fifth respondent.

3. When the Writ Petition is taken up for hearing, the learned Standing Counsel appearing for the fifth respondent-Registrar General of this Court filed a report of the fifth respondent, dated 13.04.2020, and the relevant portion of which reads as follows:

"1. It is submitted that this Hon'ble Court, while hearing the said Writ Petition by Order dated 08.04.2020, has been pleased to issue the following directions:

"..... the Registrar General, High Court of Madras has to get instructions from all the District Judges as to how many matters are filed for Anticipatory Bail and Bail from 21.03.2020 and how many petitions have been disposed of by them."

2. In compliance of the above directions of this Hon'ble Court, the Registry vide ROC.No.7427/2020/Legal Cell, dated 09.04.2020, requested the Principal District Judges/District

Judges in State of Tamil Nadu and the Chief Judge, Puducherry, to forward the following particulars:-

- i) No of Bail Petitions filed from 21.03.2020 to 08.04.2020
- ii) No of anticipatory bail petitions filed from 21.03.2020 to 08.04.2020
- iii) Orders passed thereon i.e. Granted/Dismissed/Adjourned

3. It is submitted that the following particulars have been received from all District except Chennai District.

Sl. No.	Name of the District	No. of Bail Petitions filed from 21.03.2020 to 09.04.2020 and Order passed thereon	No. of Anticipatory Bail Petitions filed from 21.03.2020 to 09.04.2020 and order passed thereon
1	Ariyalur	26	1
		Granted - 20	Adjourned - 1
		Adjourned - 06	
2	Cuddalore	116	31
		Ordered - 59	Ordered - 05
		Dismissed - 57	Dismissed - 05
			Adjourned - 21
3	Coimbatore	350	6
		Granted - 236	Adjourned 6
		Dismissed - 58	
		Adjourned - 56	
4	Dharmapuri	26	06
		Granted - 06	Granted - 02
		Dismissed - 01	Adjourned - 04
		Adjourned - 05	
		Returned - 14	
5	Dindigul	126	8
		Granted - 101	Adjourned - 08
		Dismissed - 15	

Sl No	Name of the District	No. of Bail Petitions filed from 21.03.2020 to 09.04.2020 and Order passed thereon	No. of Anticipatory Bail Petitions filed from 21.03.2020 to 09.04.2020 and order passed thereon
		Adjourned - 10	
6	Erode	256 Granted - 180 Dismissed - 76	07 Granted - 05 Dismissed - 02
7	Kancheepuram	126 Granted - 71 Dismissed - 50 Adjourned - 05	10 Adjourned - 10
8	Kanniyakumari	41 Granted - 23 Dismissed - 18	38 Granted - 01 Dismissed - 02 Adjourned - 35
9	Karur	10 Dismissed - 05 Adjourned - 05	4 Dismissed - 01 Adjourned - 03
10	Krishnagiri	37 Granted - 16 Dismissed - 19 Adjourned - 02	7 Granted - 01 Dismissed - 02 Adjourned - 04
11	Madurai	310 Granted - 216 Dismissed - 09 Adjourned - 85	38 Granted - 08 Adjourned - 30

S1 No.	Name of the District	No. of Bail Petitions filed from 21.03.2020 to 09.04.2020 and Order passed thereon	No. of Anticipatory Bail Petitions filed from 21.03.2020 to 09.04.2020 and order passed thereon
12	Nagapattinam	47	3
		Granted - 09	Adjourned - 03
		Dismissed - 20	
		Adjourned - 18	
13	Namakkal	35	04
		Granted - 19 (interim bail)	Dismissed - 01
		Dismissed - 04	Adjourned - 03
		Adjourned - 12	
14	Nilgiris	13	1
15	Perambalur	34	9
		Granted - 17	Granted - 08
		Dismissed - 04	Dismissed - 01
		Adjourned - 13	
16	Pudukottai	156	49
		Granted - 133	Granted - 30
		Dismissed - 08	Adjourned - 19
		Adjourned - 15	
17	Puducherry	35	7
		Granted - 07	Adjourned - 07
		Returned - 01	
		Adjourned - 27	
18	Ramanathapuram	49	1
		Granted - 14	Adjourned - 01
		Dismissed - 12	
		Adjourned - 23	
19	Sivagangai	27	15
		Granted - 15	Dismissed - 01
		Dismissed - 12	
			Adjourned - 14

S1 . No .	Name of the District	No. of Bail Petitions filed from 21.03.2020 to 09.04.2020 and Order passed thereon	No. of Anticipatory Bail Petitions filed from 21.03.2020 to 09.04.2020 and order passed thereon
20	Salem	138	9
		Granted - 30	Granted - 01
		Dismissed - 07	Adjourned - 08
		Adjourned - 28	
		Returned - 73	
21	Thanjavur	65	68
		Granted - 19	Granted - 16
		Dismissed - 07	Dismissed - 05
		Adjourned - 39	Adjourned - 47
22	Theni	70	15
		Granted - 43	Granted - 06
		Dismissed - 13	Interim protection - 09
		Adjourned - 14	
23	Tiruchirappalli	74	25
		Granted - 50	Granted - 21
		Dismissed - 07	Pending - 01
		Pending - 05	Dismissed - 03
		Adjourned - 12	
24	Tirunelveli	169	25
		Granted - 54	Dismissed - 01
		Dismissed - 01	Adjourned - 24
		Adjourned - 114	
25	Tiruvallur	65	4
		Ordered - 38	Adjourned - 4
		Dismissed - 27	

Sl No	Name of the District	No. of Bail Petitions filed from 21.03.2020 to 09.04.2020 and Order passed thereon	No. of Anticipatory Bail Petitions filed from 21.03.2020 to 09.04.2020 and order passed thereon
26	Thiruvannamalai	65	11
		Granted - 40	Adjourned - 11
		Dismissed - 01	
		Adjourned - 24	
27	Tiruvallur	50	3
		Granted - 23	Adjourned - 03
		Dismissed - 20	
		Adjourned - 07	
28	Tuticorin	51	30
		Granted - 22	Granted - 03
		Dismissed - 15	Dismissed - 08
		Adjourned - 14	Adjourned - 19
29	Tiruppur	8	3
		Granted - 03	Granted - 01
		Dismissed - 05	Dismissed - 02
30	Vellore	120	23
		Granted - 35	Adjourned - 23
		Dismissed - 42	
		Adjourned - 34	
		Forwarded to PCOSO Court - 08	
		Forwarded to Magistrate Court - 01	
31	Villupuram	210	22
		Granted - 112	Adjourned - 22
		Dismissed - 01	
		Adjourned - 97	

S1 . No .	Name of the District	No. of Bail Petitions filed from 21.03.2020 to 09.04.2020 and Order passed thereon	No. of Anticipatory Bail Petitions filed from 21.03.2020 to 09.04.2020 and order passed thereon
32	Virudhunagar	99	6
		Granted - 90	Adjourned - 06
		Dismissed - 04	
		Adjourned - 05	

Name of the District	No. of bail petitions filed from 21.03.2020 to 09.04.2020	Order passed thereon i.e. granted/ dismissed/ adjourned	No. of Anticipatory Bail petitions filed from 21.03.2020 to 09.04.2020	Orders passed thereon i.e. granted/ dismissed / adjourned\
Chennai	238	544 (inclusive of suo-motu bail granted)	10	Nil

4. The District wise particulars received from the Principal District Judges/District Judges are respectfully submitted as Annexure, to this report.

5. It is submitted that the above submission may kindly be treated as compliance of the direction issued by this Hon'ble Court dated 08.04.2020.

Dated at Madras, this the 13th day of April 2020.

Sd/-
Registrar General,
High Court, Madras"

4. The above Report of the fifth respondent-Registrar General of this Court, is hereby recorded.

5. With regard to the query raised by this Court on 08.04.2020 in this case, the learned Additional Public Prosecutor appearing for the respondents 3 and 4 submitted that the District Public Prosecutors are given instructions through Voice Call from the concerned Investigating

Officers and in some cases, the instructions are given through Whatsapp message media, so as to enable the District Courts to dispose of the anticipatory bail petitions and bail petitions.

6. With the above observations, the Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Chief Secretary,
Govt. of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The Home Secretary,
Govt. of Tamil Nadu,
Fort St. George,
Chennai-600 009.
3. The Director General of Police,
Tamil Nadu,
Rajaji Salai, Chennai.
4. The Commissioner of Police,
Chennai, Vepery, Chennai.
5. The Registrar General
of High Court of Madras,
High Court,
Chennai.

सत्यमेव जयते

W.P.No.7427 of 2020

LN(CO)

CB(18/08/2020)

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