

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of December Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7724 of 2020

IN CRL A.664/2017

R.KUMARESAN

[PETITIONER]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM DISTRICT.
CR.NO.02/AC/2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To relax the condition imposed on the petitioner is directed to report before the learned Special Judge, (special Court for trial cases under the prevention of corruption act) Salem on the first working day of every English calendar month at 10:30 a.m. Until further orders in Crl.M.P.No.13131/2017 in order dated 24-10-2017.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.PRABHU, Advocate for the petitioner, and of M/S.P.KRITIKA KAMAL Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

By order dated 24.10.2017 in Crl.M.P.No.13131 of 2017 in Crl.A.No.664 of 2017, this Court suspended the sentence of imprisonment and released the petitioner on bail on certain conditions, one of which is that, "(ii) the petitioner shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders."

2. This petition has been filed by the petitioner for the relaxation of the said condition on the ground that the petitioner has been complying with that condition since 2017.

3. The learned counsel for the petitioner submitted that on account of COVID-19 pandemic situation, the petitioner is unable to appear regularly before the trial Court.

4. In the opinion of this Court, the aforesaid condition cannot be completely relaxed, since the appellate Court should be aware of the whereabouts of the accused at the time of culmination of appeal. However, interests of justice will be served, if the petitioner is permitted to file an application under Section 317 Cr.P.C. for condoning his absence on any particular day.

5. In the result, this criminal miscellaneous petition is partly allowed the aforesaid condition is modified as under:

The petitioner shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-
07/12/2020

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.

WEB COPY

TO

1 THE SPECIAL JUDGE
SPECIAL COURT FOR CASES
UNDER THE PREVENTION OF CORRUPTION
ACT, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SALEM DISTRICT.

+2 C.C. to M/S. JURY BRAIN LAW OFFICES Advocate on payment of
necessary charges SR.NO.7976

Order

in
CRL MP.7724/2020

in
CRL A.664/2017

Date :07/12/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-10/12/2020



WEB COPY