



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P. (MD)No.6527 of 2020

Umeshwaran

... Petitioner

Vs.

The Sub Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk,
Pudukkottai District.
(Cr.No.281 of 2020)
... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to modify the conditional order passed by the learned Principal Sessions Judge, Pudukkottai in Cr.M.P.No.1751 of 2020 dated 13.05.2020 relating to the condition of surrendering before the learned Judicial Magistrate, Aranthangi on 16.06.2020.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking the relief to modify the conditional order passed by the learned Principal Sessions Judge, Pudukkottai in Cr.M.P.No.1751 of 2020, dated 13.05.2020.

2.The learned counsel appearing for the petitioner would submit that in earlier in connection with the case registered in crime No.281 of 2020 for the offence punishable under Sections 294(b), 307 & 427 IPC pending on the file of the respondent police, the petitioner herein was arrested on 08.05.2020 and produced before the learned Principal Sessions Judge, Pudukkottai. Immediately after the production of the petitioner before the learned Principal Sessions Judge, Pudukkottai, an interim bail was granted with a direction to surrender before the learned Judicial Magistrate, Aranthangi on 16.06.2020. Now, for reason that the part of the investigation has been completed, the petitioner has approached this Court to modify the condition imposed in Cr.M.P.No.1751 of 2020,



3.The learned Additional Public Prosecutor appearing for the respondent police, on instruction, would submit that for the reason, now the Government announced lock-down to the entire Nation in order to avoid the spread of COVID-19, the High Court has directed the learned Principal Sessions Judges, to consider these type of matters to reduce the crowd in the prison. Only in the above said circumstances, the petitioner was produced before the Principal Sessions Judge, Pudukkottai instead of producing him before the learned Judicial Magistrate, Aranthangi. He would further submit that if the prayer sought for by the petitioner is considered in his favour, it will affect the investigation in crime No.281 of 2020 and therefore, he prays for dismissal of this criminal original petition.

4.It is not in dispute that in earlier, only by considering the pandemic situation, particularly for reducing the crowd in the various Central Jail and Sub Jail, this Court directed the Principal Sessions Judges to entertain these type of matters and only upon the same, the learned Principal Sessions Judge, Pudukkottai, passed the above impugned order. In otherwise, since the case has been registered against the petitioner for the offence under Sections 294 (b), 307 & 427 IPC, it is the duty of the respondent police, to produce the petitioner before the Judicial Magistrate for the purpose of committal proceedings. Further, only the Magistrate can order for judicial custody. But here is the case, only upon considering the COVID-19 pandemic situation, the learned Principal Sessions Judge, Pudukkottai, by obeying the order passed by the High Court, granted interim bail. Therefore, passing an order with condition that the petitioner should appear before the learned Judicial Magistrate, Aranthangi, on 16.06.2020, is not having any illegality. Therefore, the prayer sought for by the petitioner is devoid of merits and cannot be entertained.

5.However, considering the fact that the portion of investigation has been completed, the petitioner is at liberty to file a petition for anticipatory bail before the learned Principal Sessions Judge, Pudukkottai, within a period of one month from today. In otherwise, it is the duty of the respondent police to secure the accused for completing the investigation as per law contemplated in Chapter XII of Cr.P.C. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge, Pudukottai.
- 2.The Judicial Magistrate, Aranthangi,
Pudukottai District.
- 3.The Sub Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk, Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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03.08.2020

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