

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4831 of 2021

K.Manickam,
S/o.Krishnasamy

... Petitioner

Vs.

The State Rep. by
The Deputy Superintendent of Police,
Vigilance and Anti Corruption
Perambalur.
(Crime No.4 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for records and set aside the order passed by the learned Special Judge/Chief Judicial Magistrate, Perambalur in Crl.M.P.No.3139 of 2020 dated 21.12.2020 and relaxing the condition that "the petitioner shall sign before the Respondent Police on the 1st day of every month at 10.00 a.m., till the case ends".

For Petitioner : Mr.B.Mahendra Naidu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petition has been filed seeking to call for records and set aside the order passed by the learned Special Judge/Chief Judicial Magistrate, Perambalur in Crl.M.P.No.3139 of 2020 dated 21.12.2020 and relaxing the condition that "the petitioner shall sign before the Respondent Police on the 1st day of every month at 10.00 a.m., till the case ends".

2.Learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 27.12.2019 in crime No.4 of 2019 registered by the respondent police for the offence under Section 7 of the Prevention of Corruption Act, 1988. He would further submit that the petitioner was granted bail in Crl.M.P.No.180 of 2020 dated 22.01.2020 with a condition that he should appear before the respondent police everyday at 10.30 a.m. The petitioner after complying with the condition for about a month filed a petition in Crl.M.P.No.879 of 2020 to modify the condition and

the same was modified vide order dated 26.02.2020 and the petitioner was directed to sign before the respondent on every Monday at 10.00 a.m. Thereafter, the petitioner filed another petition to modify the condition in E Bail No.1/2020 and vide order dated 29.06.2020 the condition was modified to the effect that the petitioner has to sign on the 1st and 15th day of every month before the respondent police. Thereafter, the petitioner again filed another petition in Crl.M.P.No.1653 of 2020 to relax the condition, and vide order dated 26.08.2020 and the petitioner was directed to sign before the respondent police on the 1st working day of every month at 10.00 till the case ends.

3.Learned counsel would further submit that the petitioner was complying with the condition regularly for the past four months and that his mother is sick and bed ridden and her condition is deteriorating day by day and she needs to take treatment regularly, he filed a petition in Cr.M.P.No.3139 of 2020 seeking for a total relaxation of the condition and that the learned Special Judge / Chief Judicial Magistrate had dismissed the same vide order dated 21.12.2020, observing that the petitioner shall sign before the respondent on the 1st working day of every month at 10.00 a.m. till the case ends. He would further submit that the respondent has completed investigation and is ready to file the final report, whereas, the learned Magistrate while dismissing the petition had directed the petitioner to appear on the 1st working day of every month at 10.00 a.m. till the case ends, which is not at all necessary. He would further submit that the petitioner is prepared to cooperate with the respondent and appear before them as and when required and would pray to set aside the order.

4.Learned Government Advocate (Crl. Side) would submit that the petitioner is an accused in Crime No.4 of 2019, registered by the respondent for the offence under Section 7 of the Prevention of Corruption Act, 1988. He would further submit that it is a case where the petitioner was caught red-handed while receiving the bribe. The petitioner had also filed a petition in Crl.O.P.No.3785 of 2021 seeking to direct the respondent police to complete the investigation and to file a final report and this Court vide order dated 25.02.2021 had directed the respondent police to complete the investigation and file the final report within a period of six months. He would further submit that the petitioner had earlier threatened the witnesses, thereby warranting the respondent police to record the statements from the witnesses under Section 164 Cr.P.C. and the statement is yet to be received from the learned Chief Judicial Magistrate, Perambalur, thereby, the respondent police are unable to file the final report at the earliest. He would further submit that the presence of the petitioner is very much required for completing the investigation and thereby the trial Court had imposed a condition on the petitioner to appear before the

respondent police only once in a month, thereby he would oppose to relax the condition.

5.At this juncture, learned counsel for the petitioner would submit that the petitioner is prepared to appear before the respondent police, however, the condition that the petitioner should appear before the respondent police and that the particular portion "till the case ends" alone shall be modified.

6.Heard the counsels.

7.In view of the above, this Court is inclined to set aside the order passed by the learned Special Judge / Chief Judicial Magistrate in CrI.M.P.No.3139 of 2020 dated 21.12.2020. The petitioner shall appear before the respondent on the 1st working day of every month at 5.00 p.m till the respondent police files the final report.

8.In the result, this petition is ordered.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge,
Chief Judicial Magistrate,
Perambalur.
2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption
Perambalur.
3. The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1cc to Mr.B.Mahendra Naidu, Advocate, SR.No.15640.

CrI.O.P.No.4831 of 2021

PMK(CO)
CSR 26.03.2021