



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Sixteenth day of June Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL MP(MD) No.4023 of 2021

IN

CRL A(MD) No.38 of 2021

P.SURIYA KALA

... PETITIONER/PETITIONER/APPELLANT

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANNCE AND ANTI-CORRUPTION,
SIVAGANGAI.

(CRIME NO.1/2015)

... RESPONDENT/RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to relax the condition imposed by this Honourable Court in Crl.M.P.(MD) No.535 of 2021 in Crl.A.(MD) NO.38 of 2021 dated 27/01/2021 and thus render justice.

Prayer in CRL A(MD)No.38 of 2021;

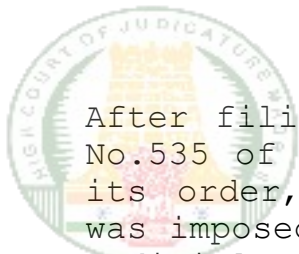
To call for the entire records pertaining to the judgment and conviction delivered by the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai in Spl.C.C.No.1/2017 vide judgment dated 19.01.2021 and set aside the same and consequently acquit the appellant from all the charges mentioned in the said case.

ORDER : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.MEENAKSHI SUNDARAM., Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Counsel for Government of Tamilnadu on behalf of the Respondent, the court made the following order:-

The learned Counsel for the petitioner submits that this is a petition for relaxation of condition imposed by this Court in Crl.M.P.(MD)No.535 of 2021 in Crl.A.(MD)No.38 of 2021, dated 27.01.2021.

2.As per the learned Counsel for the petitioner, the petitioner had filed Crl.A.(MD)No.38 of 2021 against the conviction and sentence imposed by the learned Special Judge for V&AC, Sivagangai.

<https://hcservices.ecourts.gov.in/hcservices/>



After filing of this appeal, the petitioner had filed Crl.M.P.(MD) No.535 of 2021 seeking suspension of sentence. This Court had, in its order, dated 27.01.2021, granted her bail, wherein, condition was imposed that she had to appear before the Court of learned Chief Judicial Magistrate, Sivagangai, on first working day of every month. Further, the learned Counsel for the petitioner submitted that the petitioner is permanently residing at Madurai and in view of the Pandemic and Lock Down circumstances and also considering the age of the petitioner, she is unable to travel all the way from Madurai to Sivagangai and seeks relaxation of the condition imposed in Crl.M.P.(MD) No.535 of 2021 by this Court.

3.The learned Additional Public Prosecutor representing the respondent submitted that invariably in all cases, the accused had been convicted and when the appeal is admitted, bail is granted with mandatory condition. Here also, the petitioner had been granted bail. He further submitted that since the petitioner submits that she is unable to travel all the way to Sivagangai, this Court can modify the order, but need not relax the condition. He also submitted that the condition may be modified in such a way that she can appear before the Court of the learned Judicial Magistrate, Melur, wherein, the petitioner resides. Also, this Court can pass orders that she has to intimate the address, where she resides and the mobile number, if she changes, failing which, the Court can cancel the bail.

4.In the light of the submissions made by the learned Counsel for the petitioner and the objections raised by the learned Additional Public Prosecutor, the order, dated 27.01.2021 in Crl.M.P.(MD)No.525 of 2021 in Crl.A.(MD)No.38 of 2021 is modified. Instead of appearing before the learned Chief Judicial Magistrate, Sivagangai, the petitioner is directed to appear before the Court of the learned Judicial Magistrate, Melur on the first working day of every month until further orders. Also, if there is any change of residence or change in mobile number, she had to intimate the same to the Deputy Superintendent of Police, Vigilance and Anti Corruption, Sivagangai, failing which, the bail granted to her will be cancelled. Accordingly, this petition is partly allowed.

6.Registry is directed to send the copy of the order to the Court of the learned Chief Judicial Magistrate, Sivagangai and the Court of the learned Judicial Magistrate, Melur, for further action.

sd/-
16/06/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SPECIAL JUDGE
FOR TRIAL OF CASES UNDER THE PREVENTION
OF CORRUPTION ACT, SIVAGANGAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE JUDICIAL MAGISTRATE,
MELUR.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
SIVAGANGAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.4023 of 2021
IN
CRL A (MD) No.38 of 2021
Date :16/06/2021

cmr
JM/VR/SAR II/21.06.2021/3P/7C