



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6793 of 2022

A.Sakthivel

...Petitioner/Accused 2

-Vs-

The Inspector of Police,
Pudhuchatram Police Station,
Namakkal District.
(Crime No.697 of 2021)

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to set aside the impugned order in Crl.M.P.No.448 of 2022 dated 03.03.2022 on the file of the Principal Sessions Judge, Namakkal and extension of time to execute the sureties in Crl.M.P.No.2723 of 2021 dated on 05.01.2022.

For Petitioner : Mr.S.Vinod

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to set aside the impugned order in Crl.M.P.No.448 of 2022 dated 03.03.2022 on the file of the Principal Sessions Judge, Namakkal and extension of time to execute the sureties in Crl.M.P.No.2723 of 2021 dated on 05.01.2022.

2.The learned counsel for the petitioner would submit that the petitioner is an accused in Crime No.697 of 2021 registered by the respondent police for the offences under Section 392 r/w 397 of IPC. During the Covid pandemic, the petitioner was granted regular bail by the learned Principal Sessions Judge, Namakkal in Crl.M.P.No.2723 of 2021 dated 05.01.2022. Due to the prevailing pandemic situation, the learned Principal Sessions Judge, Namakkal had imposed a condition that the petitioner should execute his own bond to the satisfaction of the Jail Superintendent concern for a sum of Rs.10,000/- and to



produce two sureties each for a likesum of Rs.10,000/- to the satisfaction of the learned Judicial Magistrate - II, Namakkal within one month from the date of his release from prison.

3.The petitioner was released from prison on 05.01.2022. While he was taking steps to furnish sureties, he was down with Jaundice and he was unable to appear before the Court within the period of one month time granted by the learned Principal Sessions Judge, Namakkal, thereby the time got lapsed. Thereafter, the petitioner had filed Cr.M.P.No.448 of 2022 seeking for condonation of delay and extension of time and the learned Principal Sessions Judge, Namakkal had dismissed the application and directed the respondent police to take necessary steps to secure the accused. He would submit that the petitioner is ready to surrender and comply with the order and hereby he would seek to set aside the order.

4.The learned Additional Public Prosecutor would submit that the petitioner is involved in Cr.No.697 of 2021 registered by the respondent police for the offence under Sections 392 r/w 397 of IPC. However, he would submit that there is no other case pending against the petitioner.

5.Taking into consideration, the petitioner was unable to surrender within the time fixed by the Sessions Court due to his illness. This Court is inclined to set aside the order dated 03.03.2022 made in Cr.M.P.No.448 of 2022. However, it is made clear that the petitioner shall surrender before the learned Judicial Magistrate - II, Namakkal within a period of two weeks from the date of receipt of a copy of this order and shall produce two sureties each for a likesum of Rs.10,000/- to the satisfaction of the learned Judicial Magistrate - II, Namakkal. The other conditions imposed by the Trial Court on 05.01.2022 remains unaltered.

6.With the above modification, this Criminal Original Petition is ordered.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1.The Principal Sessions Judge, Namakkal



2.The Judicial Magistrate - II, Namakkal.

3.The Inspector of Police,
Pudhuchatram Police Station,
Namakkal District.

4.Do through the Chief Judicial Magistrate,Namakkal.

5.The Public Prosecutor,
High Court, Madras.

+3 ccs to Mr.S.Vinod, Advocate Sr.NO. 20414

CrI.O.P.No.6793 of 2022

nmi (CO)

A.SK(12/04/2022)