

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE
PERAMBALUR.**

**Present: Thiru. S. Giri, B.Sc., M.L.,
Chief Judicial Magistrate,
Perambalur.**

Thursday, this the 20th Day of August 2020

Cr.M.P.No.1639 / 2020

Balasubramaniyan @ Balasubramani,
Age 45/2020, S/o Govindharasu,
1/83, North Street, Nallapalayam Village,
Senthurai Taluk, Ariyalur District.

Petitioner/Accused

/Vs/

State rep. by its,
Inspector of Police,
Vigilance and Anti Corruption,
Perambalur.
In Cr.No.3/2020.

Respondent/Complainant

Petition dated 07.08.2020 filed U/s. 437 (2) of Cr.P.C. to relaxation of condition imposed on the petitioner in CrI.M.P.No.1570/2020.

This petition coming on this day before me for enquiry in the presence of Thiru. R. T. Senthilkumar Advocate for the petitioner and the Deputy Legal Advisor for the State and Police reply received through email and petitioner counsel argument heard, upon perusing the petition and other relevant records, this court delivered the following:

ORDER

1. This petition is filed u/s 437(2) of Cr.P.C. before this Court for relaxation of condition imposed by this court against the petitioner / accused herein concerned in Cr.M.P.No.1570/2020 on the file of this court for the alleged offence u/s. 7 of the Prevention of corruption Act 1988 (as amended in 2018).

2. The case of the prosecution is that this petitioner was involved in offence u/s. 7 of the Prevention of Corruption Act 1988 (as amended in 2018). Hence a case has been registered against the petitioner.

3. The learned Counsel appearing for the petitioner/accused submitted that the petitioner was arrested and remanded on 29.06.2020 by the respondent Police for the alleged offence u/s. 7 of the Prevention of corruption Act 1988 (as amended in 2018) in Crime No.3/2020. The petitioner was released on bail in Cr.M.P.No.1570/2020 dated 20.07.2020 and he was released on bail after 21 days. The condition was imposed to sign daily before Respondent Police office. The petitioner is complying with the condition from 23.07.2020 upto till date. Due to spread of Covid 19 pandemic situation, there is no transportation and hence he has to travel daily 60 k.m. in his two wheeler to comply the conditions. Further the petitioner has spent huge amount and mentally affected. In these circumstances this Honourable court may be pleased to relax the condition imposed on the petitioner.

4. The learned Deputy Legal Advisor has stated in his reply that the accused was involved in offence u/s. 7 of the Prevention of corruption Act

2018 (as amended in 2018) and the accused was arrested on 29.06.2020 and he was released on bail and investigation is pending. This petition in this case prosecution side has strongly objected for relaxation of condition imposed on the petitioner/accused and also stated that the witnesses are to be examined and document to be collected. If the condition is relaxed the petitioner will hamper the investigation and tamper the witnesses. Therefore this petition is liable to be dismissed.


5. Submissions of the petitioner counsel heard and objections of the Deputy Legal Advisor and Police perused.

6. Records on hand are perused. The petitioner was arrested and remanded on 29.06.2020 for offence u/s. 7 of the Prevention of corruption Act 1988 (as amended in 2018). The submissions made by the prosecution are carefully perused. Investigation is not completed and the same is pending and the prosecution has strongly objected for relaxation of condition to the accused.

7. Taking into consideration of the facts and circumstances of the case and the period of signing by the petitioner from 23.07.2020 this court is inclined to modify the conditions as follows:-

a) The petitioner/accused shall appear before the Respondent Police on every Monday at 10.00 am until further orders.

Pronounced by me through email, this the 20th day of August 2020.


20/8/2020
Chief Judicial Magistrate,
Perambalur.

Copy to

1. The Deputy Legal Advisor,
Chief Judicial Magistrate Court,
Perambalur.
2. State rep. by its,
Inspector of Police,
Vigilance and Anti Corruption,
Perambalur.
3. The Advocate for the Petitioner