

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

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

Wednesday, this the 26th Day of August 2020

Cr.M.P.No.1653 / 2020

K. Manickam, aged 43 years,
S/o Krishnasamy,
No.138c, 2nd Street, Venkateshapuram,
Perambalur District.

Petitioner/Accused

Ns/

State rep. by its,
Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Perambalur.

In Cr.No.4/2019.

Respondent/Complainant

Petition dated 24.08.2020 filed U/s. 437 (ii) of Cr.P.C. for relaxation of condition imposed on the petitioner in E.Bail.No.1/2020.

This petition coming on this day before me for enquiry in the presence of Thiru. S. Sirajudeen 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(ii) of Cr.P.C. before this Court for relaxation of condition imposed by this court against the petitioner / accused herein concerned in E.Bail.No.1/2020 on the file of this court for the alleged offences 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 27.12.2019 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.4/2019. The petitioner was released on bail in Cr.M.P.No.180/2020 dated 22.01.2020 and he was released on bail after 27 days.

The condition was imposed to sign daily before Respondent Police office. The petitioner is complying with the condition from 25.01.2020 to 26.02.2020, the above petitioner previous modification petition in Cr.L.M.P.No.879/2020 was modified on 26.02.2020. The modified condition was imposed to sign every Monday 10.00 AM before Respondent Police Office, the above petitioner another one modification petition in E.Bail.No.1/2020 was modified on 29.06.2020. The modified condition was imposed to sign 1st and 15th day of every month before Respondent Police Office. He is observing condition from July 2020

onwards. This petitioner/Accused do not have any past criminal record, and has no other previous cases and rose from reputed family, he is permanent residence of locality. The mother of the petitioner is in death bed condition and his only one child of his mother further the petitioner father is no more. Unless the condition relax the petitioner will be put to suffer loss and hardship. If the condition is relaxed he will not hamper the investigation. 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 offences u/s. 7 of the Prevention of corruption Act 2018 (as amended in 2018) and the accused was arrested on 27.12.2019 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.

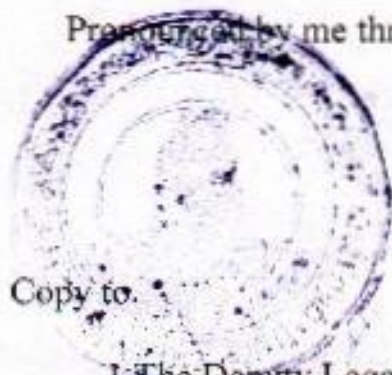
5. Submissions of the petitioner counsel heard and objections of the Deputy Legal Advisor and Police perused.


6. Records on hand are perused. The petitioner was arrested and remanded on 27.12.2019 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 the month of July 2020 onwards, this court is inclined to modify the conditions as follows:-

a) The petitioner/accused shall sign before the Respondent Police on the 1st day of every month at 10.00 AM till the case ends.

Pronounced by me through email, this the 26th day of August 2020.




26/8/2020
Chief Judicial Magistrate,
Perambalur.

Copy to.

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