

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.12434 of 2017

IN CRL RC.1288/2017

SENTHIL KUMAR@AADU SENTHIL, [PETITIONER]

Vs

1 THE MAGISTRATE CUM THE DEPUTY [RESPONDENT]
COMMISSIONER OF POLICE,
AMBATTUR DISTRICT.

2 STATE BY
THE INSPECTOR OF POLICE,
T6-AVADI POLICE STATION,
AMBATTUR DISTRICT,
CRIME NO.1100 OF 2017.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1288/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the Petitioner in the detention Order passed against the petitioner to Imprisonment or 363 days in the proceedings in C.No.402/Sec.Pro,/DC Amb/2017 dated 01.09.2017 on the File of the Magistrate cum the Deputy Commissioner of Police, Ambattur District and enlarge the Petitioner on bail pending disposal of the above Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC. No. 1288/2017 on the file of the High Court and upon hearing the arguments of M/S.S.SILAMBU SELVAN, Advocate for the petitioner, and of Public Prosecutor, on behalf of the Respondent the court made the following order:-

The petitioner submits that based on Crime No.1100/2017 and Crime No.923 of 2017, the 2nd respondent Police filed a report before the 1st respondent and based on this, a proceedings was

initiated by the 1st respondent. Thereafter, on execution of bail bond for Rs.10,000/- along with two sureties for like sum, the petitioner was released on bail. Subsequently, on 24.08.2017, the 2nd respondent Police registered a case in Crime No.1266 of 2017 for the offence u/s.294(b), 324, 506(ii) IPC and in this connection, based on the report given by the 2nd respondent, the 1st respondent passed the impugned order dated 01.09.2017 in Proceedings in C.No.402/Sec.Pro/DC Amb/2017, and ordered for imprisonment for 363 days. Challenging the said impugned detention order, this Criminal Revision case has been filed before this Court.

2. The learned counsel appearing for the Petitioner/accused would submit that no opportunity of hearing was given to the petitioner before the 1st respondent. He also submitted that a person's liberty has been taken away and he has been jailed for 363 days under Section 122(1) of Cr.P.C., without evidence, without a charge and without trial. The learned counsel for the petitioner further submitted that since the detention order has been passed without following due procedures to be followed, prayed for suspending the sentence of imprisonment imposed on the petitioner in the detention order and to enlarge him on bail, pending disposal of the above Criminal Revision Petition.

3. This Court, on 12.10.2017 directed the learned Government Advocate (Crl.Side) to produce the wound certificate of victim in this case. However, the learned Government Advocate (Crl.Side) sought time to produce wound certificate before this court. In such circumstances, this Court is of the view that it is a fit case for grant of suspension of sentence.

4. Under the stated circumstances, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Poonamallee, and on further condition that the petitioner shall appear before the said learned Magistrate on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

-sd/-

13/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAGISTRATE CUM THE DEPUTY
COMMISSIONER OF POLICE, AMBATTUR DISTRICT.

2 STATE BY
THE INSPECTOR OF POLICE, T6-AVADI POLICE
STATION, AMBATTUR DISTRICT, CRIME NO.1100 OF
2017.

3 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE

4 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

+1 C.C. to M/S.S.SILAMBU SELVAN Advocate on payment of
necessary charges Sr.No.19458

Order
in
CRL MP.12434/2017
in
CRL RC.1288/2017

Date :13/10/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MD: 13/10/2017