

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

**THE HONOURABLE MR. JUSTICE R. SURESH KUMAR**

**Crl.R.C.Nos.1236 to 1239 of 2016**

Kaliyan .. Petitioner in Crl.O.P.No.1236 of 2016

Jegatheesan .. Petitioner in Crl.O.P.No.1237 of 2016

Subramaniyan .. Petitioner in Crl.O.P.No.1238 of 2016

Thankaraj .. Petitioner in Crl.O.P.No.1239 of 2016

vs.

Mr.R. Suresh,  
Sub-Inspector of Police,  
V. Kalathur Police Station,  
Mangalamedu Taluk,  
Perambalur District.

.. Respondent

**COMMON PRAYER:** Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. to call for the records in the impugned order made in Na.Ka.A3/3066/2016 dated 07.10.2016 passed by the First Class Executive Magistrate -cum- Revenue Divisional Officer, Perambalur and to set aside the same.

For Petitioners : Mr.R.Sankara Subbu for  
M/s.R.Srinivasarao

For Respondent : Mr. R.Sekar  
Government Advocate (Crl.Side)  
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**COMMON ORDER**

Though these revisions have been filed by the respective petitioners against the orders passed by the First Class Executive Magistrate and Revenue Divisional Officer, Perambalur, by order dated 07.10.2016 in a separate orders, the issue raised in these revisions are one and the same and also, the facts pertaining to these revision cases are either the same or interconnected, these Criminal Revision Cases are disposed of by these Common Order.

2.For the purpose of narration of facts, the facts pertaining to the revision case in Crl.RC.No.1236 of 2016 are taken into account.

3.The petitioner had executed a bond under Section 107 read with 111 and 112 of the Code of Criminal Procedure

<http://www.judis.nic.in>(hereinafter referred to as the Code) on 05.09.2016 towards

the Executive Magistrate for ensuring the good behaviour of the petitioner for a period of six months, being the bond period.

4.However, inspite of such execution of bond by the petitioner, it is alleged by the respondent that the petitioner along with others had indulged in a crime on 13.09.2016, by which he had been one of the party in stone throwing in a Temple festival, by thus, the public peace and tranquillity in that locality was at stake. Therefore, an FIR was registered against the petitioner on 14.09.2016 on the file of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 307 of IPC in Crime No.279 of 2016.

5.In view of the said involvement on the part of the petitioner, according to the respondent, since it was necessitated to proceed against the petitioner by invoking Section 122(1)(b) of the Code, notice was issued to the petitioner to appear before the Executive Magistrate and to show cause why the bond executed by him was not cancelled,

in view of the alleged violation on the part of the petitioner, by invoking Section 122(1)(b) of the Code. Pursuant to the summons issued, the petitioner had appeared before the Executive Magistrate on different dates and ultimately, by order dated 07.10.2016, the Executive Magistrate by invoking the said provision i.e., 122(1)(b) of the Code, cancelled the bond for good behaviour executed by the petitioner under Section 107 of the Code and directed the petitioner to be imprisoned for judicial custody for the remaining bond period i.e., up to 04.03.2017. Against this order, the present revision has been filed.

6.Insofar as the other petitioners are concerned, the facts are similar and the dates of the impugned order are also same.

7.The crime registered against all these petitioners are also in the similar line of the 1<sup>st</sup> petitioner as narrated above in the said crime number of the respondent police.

8.Against these orders passed on 07.10.2016 invoking Section 122(1)(b) of the Code by sending these petitioners to

the judicial custody for the remaining bond period i.e., up to 04.03.2017, the petitioners have filed Criminal Revision Cases along with petitions to suspend the sentence, wherein this Court by order dated 24.10.2016, had suspended the said sentence of judicial custody for the bond period and released them on bail. Accordingly, the petitioners had been released on bail pursuant to the order dated 24.10.2016.

9. Subsequently, the petitioners had also approached this Court seeking for relaxation of the conditions imposed by this Court, by order dated 24.10.2016, while granting bail to the petitioners.

10. When that petition to relax the conditions was taken up for consideration, on behalf of the respondent/prosecution, the learned Public Prosecutor had submitted that the petitioners had been complying with the said conditions imposed by this Court, by making appearance before the respondent regularly, without fail.

11. Considering the said constant compliance on the part of the petitioner, the said conditions imposed by this Court vide order dated 24.10.2016 was relaxed by the orders of this Court dated 02.08.2017.

12. The aforesaid facts are not in controversy. In the meanwhile, the bond period was expired on 04.03.2017.

13. The very bond, directed to be executed by the petitioners herein under Section 107 of the Code, was to ensure the public peace and tranquillity in that locality, as at that time, the temple festival was proposed to be conducted, where the Executive Magistrate and the respondent police had been in apprehension that the petitioners may indulge in any criminal activity, by thus, law and order situation and public peace would be at stake and that is the reason why, they have been directed to execute the bond under Section 107 of the Code.

14.Subsequently, on the alleged violation on the part of the petitioners during the bond period, a case was registered as stated above and the same is still pending.

15.However, insofar as the judicial custody ordered against the petitioners during the bond period is concerned, it had been appealed before this Court. During the pendency of the revision as stated above, these petitioners had been released on bail by suspending their sentences with conditions aforesaid.

16.Since the conditions have been complied with by the petitioners, this Court has relaxed the conditions, as stated above.

17.The very bond period itself was over as early as on 04.03.2017. During this period, when they have been in bail, the conditions imposed by this Court had been scrupulously followed by the petitioners and the said factors was confirmed by the police through the learned Public Prosecutor, which has

been recorded by this Court in its order dated 02.08.2016. Hence at this juncture, this Court is of the view that keeping the petitioners in judicial custody is no more required.

18. Moreover, once the bond is cancelled by invoking Section 122(1)(b) of the Code, the detenu can be sent for judicial custody by the Executive Magistrate, only for the bond period and not beyond that. Since the bond period is over, the question of sending them once again for judicial custody would not arise at all.

19. In these circumstances, this Court is of the view that no further orders are required in these Criminal Revision cases, however, while disposing of Criminal Revision Cases, it is made clear that this order passed in these Revision Cases would no way prejudice to the prosecution in pursuing the case, pending against the petitioners for the alleged offences committed by them.

With these observations, these Criminal Revision Cases are disposed of, as the petitioners bond period itself having been expired on 04.03.2017, no further orders are required to be passed on merits in this case.

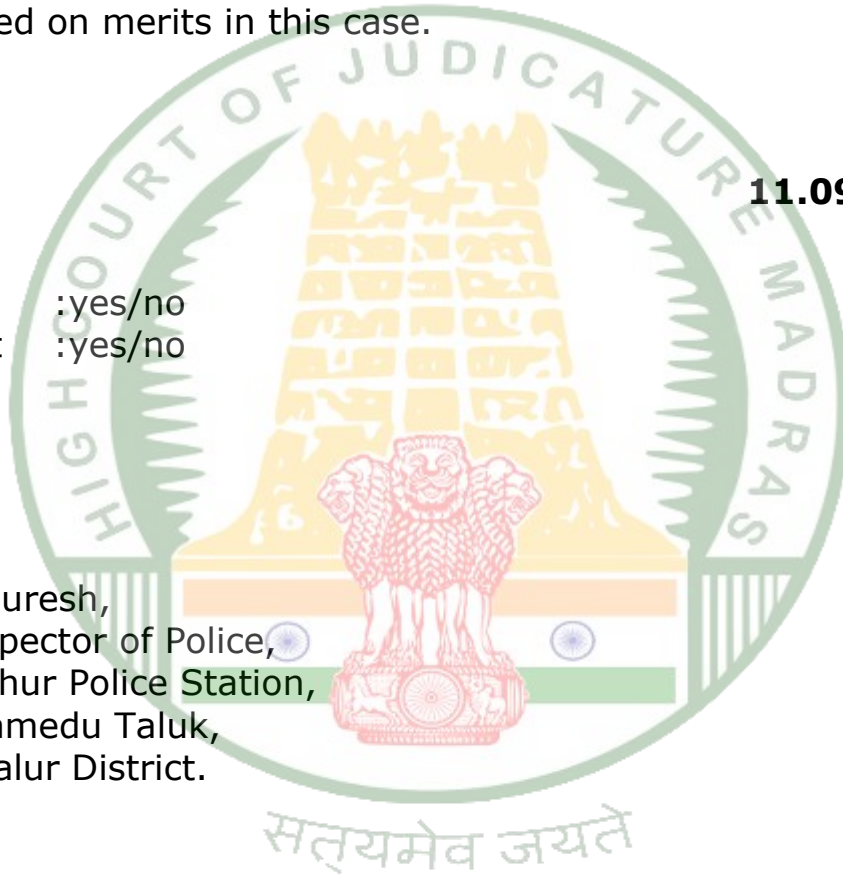
**11.09.2017**

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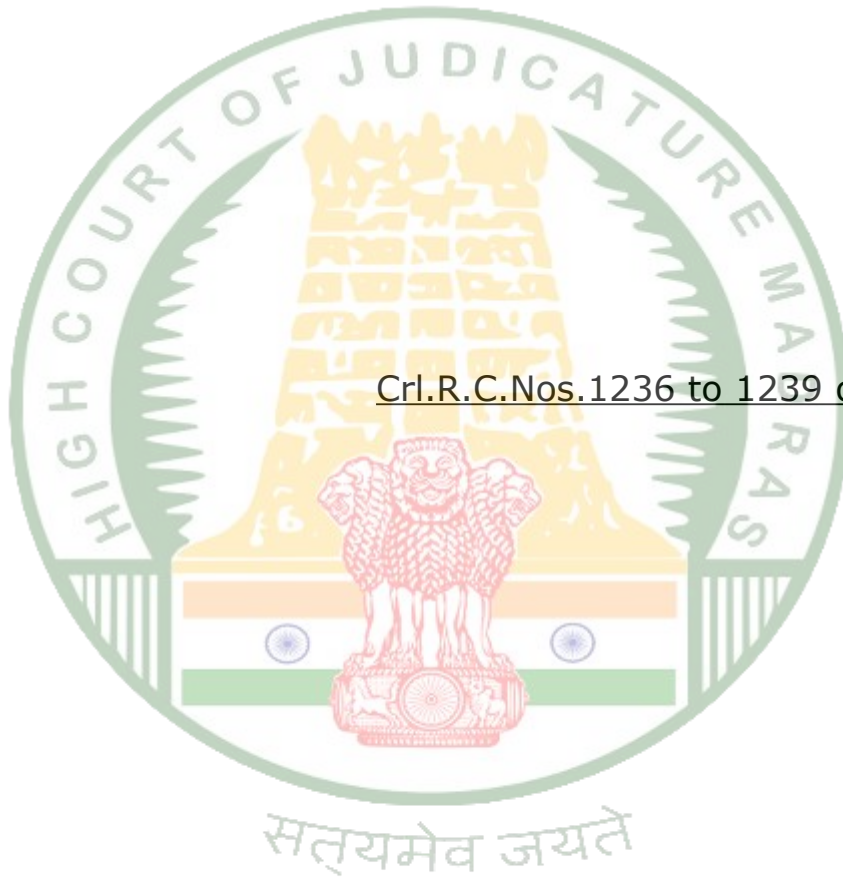
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Sub-Inspector of Police,  
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**R. SURESH KUMAR, J,**

bri



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