

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.M.P.No.5128 of 2021

in

Crl.R.C.No.235 of 2021

Siva @ Speed Siva

... Petitioner

vs.

1. The Executive Magistrate cum
Deputy Commissioner of Police,
St. Thomas Mount,
Chennai City Police.

2. State represented by its
The Inspector of Police,
Law and Order,
S-16 Police Station,
Perumbakkam.
Chennai - 600 100.

... Respondents

Criminal Miscellaneous Petition filed under Section 397(1) Cr.P.C. to suspend the sentence and enlarge the petitioner on bail in Na.Ka.No.83/NIR.CHE.NAD.KA.THU.AA.PA.THU.MA/2021 on the file of the Executive Magistrate cum Deputy Commissioner of Police, St. Thomas Mount, pending disposal of the revision petition.

For Petitioner : Mr.S.Vellidoss

For Respondent : Mr.J.C.Dorairaj
Counsel for Government of Tamil Nadu
(Crl. Side)

WEB COPY
ORDER

The petitioner was convicted for the offence under Section 122(1)(b) of Cr.P.C., by the learned Executive Magistrate cum Deputy Commissioner of Police, St. Thomas Mount in Na.Ka.No.83/NIR.CHE.NAD.KA.THU.AA.PA.THU.MA/2021 dated 12.04.2021 and was sentenced to undergo simple imprisonment for the period upto 28.02.2022.

2.The learned counsel appearing for the petitioner contended that the petitioner has got good chance of success in the present revision case filed before this Court. Therefore, he prayed for suspension of sentence and grant of bail.

3.Heard the learned counsel on either side and perused the materials available on record.

4.The petitioner has arguable points in the revision case, which require detailed appraisal. Further, the revision case is not likely to be taken up in the near future. In such view of the matter and taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and grant of bail.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is granted bail on the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison-1, Puzhal, and on such execution, the petitioner shall be released from prison on bail;

(b) after the lockdown restrictions are lifted and normalcy is restored, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one of whom shall be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Alandur, and the same shall be executed within a reasonable period of one month from the date the lockdown restrictions are lifted.

(c) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(d) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Alandur.

(e) on release, the petitioner shall appear before the trial Court on the first working day of every month, until the disposal of the revision case, and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

6.Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

03/06/2021

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 JUDICIAL MAGISTRATE,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON-1, PUZHAL.

4 THE EXECUTIVE MAGISTRATE CUM
DEPUTY COMMISSIONER OF POLICE,
ST.THOMAS MOUNT,
CHENNAI CITY POLICE.

5 THE INSPECTOR OF POLICE,
LAW AND ORDER,
S-16 POLICE STATION,
PERUMBAKKAN, CHENNAI-600 100.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.S.VELLIDOSS Advocate on payment of necessary charges

Order

in
CRL MP.5128/2021
in
CRL.RC.235/2021

Date :03/06/2021

From 7.2.2001 the Registry is issuing certified
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