



Bail Slip

The Petitioner / Accused namely Dhamodharan @ Kabali, S/o, Balaraman @ Balarama Naicker in C.No.21/Sec.Pro./DC Amb/2019 on the file of the Magistrate cum the Deputy Commissioner of Police, Ambattur District he was release on bail as per the order of this Hon'ble Court dated 16.09.2019 in CrI.M.P.No.6926 of 2019 in CrI.R.C.No.505 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.505 OF 2019

Dhamodharan @ Kabali

... Petitioner / Accused

Vs.

1.The Executive Magistrate cum
Deputy Commissioner of Police
Ambattur District

...Respondent

2.State By,
The Inspector of Police (Law & Order)
T6-Avadi Police Station
Ambattur District
Crime No.293 of 2019

...Respondent / Complainant

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the detention order passed against the petitioner to imprisonment for 335 days in the proceedings in C.No.21/Sec.Pro./DC Amb/2019 on the file of the Executive Magistrate cum the Deputy Commissioner of Police, Ambattur District.

For Petitioner : Mr.S.Silambu Selvan(NA)

For Respondents : Mr.S.Sugendran
Government Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

This Criminal Revision has been filed against the detention order dated 11.04.2019 passed against the petitioner to undergo imprisonment for 335 days vide proceedings in M.P.No.1 of 2019



in C.No.21/Sec.Pro./DC Amb/2019 on the file of the Executive Magistrate cum the Deputy Commissioner of Police, Ambattur District.

2. The case of the petitioner is that originally the petitioner had involved in a case in Crime No.525 of 2015 for the offence under Section 302 IPC and subsequently, the petitioner was asked to execute a bond under Section 107 Cr.P.C. for maintaining good behavior and accordingly, he executed the bond under Section 107 Cr.P.C. for good behavior on 04.03.2019 before the 1st respondent. However, during the bond period, the petitioner is alleged to have involved in another case Crime No.293 of 2019 for offences punishable under Sections 294(b), 324 and 506(ii) IPC following which, he was arrested and remanded to judicial custody. Since, the petitioner breached the bond conditions executed under Section 107 Cr.P.C., the 1st respondent initiated proceedings under Section 122(1)(b) Cr.P.C. based on the report received from the 2nd respondent and the petitioner was produced before the 1st respondent on P.T. Warrant. Subsequently the 1st respondent passed an order on 11.04.2019 and cancelled the bond executed by the petitioner under Section 107 Cr.P.C. and sentenced him to undergo imprisonment for the remaining bond period. Challenging the said order, the present revision has been filed before this Court.

3. There was no representation for the petitioner.

4. The learned Government Advocate (Cr1. Side) would submit that the petitioner is a History Sheeter and involved in a murder case in Crime No.525 of 2015. Therefore, he was asked to execute a bond under Section 107 Cr.P.C. to maintain good behavior and accordingly, he executed the same on 04.03.2019. However, during the pendency of the bond period, again the petitioner involved in another case in Crime No.293 of 2019 for offences punishable under Sections 294(b), 324 and 506(ii) IPC following which, he was arrested and remanded to judicial custody. Since, the petitioner breached the bond conditions executed under Section 107 Cr.P.C. the 1st respondent initiated proceedings under Section 122(1)(b) Cr.P.C. and he petitioner was produced on P.T. Warrant before the 1st respondent. Subsequently, copies were served to the petitioner and sufficient opportunity was also given to the petitioner. Thereafter, 4 witnesses were examined out of which, the defacto complainant in Crime No.293 of 2019 was examined as 3rd witness. Thereafter, the 1st respondent being satisfied that the petitioner during pendency of the bond period had involved in the ground case, cancelled the bond executed by the petitioner under Section 107 Cr.P.C. and also sentenced the petitioner to undergo imprisonment for the remaining bond period. Therefore, there is no violation of Principles of Natural Justice and there is no merit in the revision.



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5. A reading of the impugned order dated 11.04.2019 passed by the 1st respondent shows that originally the petitioner had involved in a murder case in Crime No.525 of 2015 and subsequently, the petitioner was asked to execute a bond under Section 107 Cr.P.C. for maintaining good behavior and accordingly, he executed the bond under Section 107 Cr.P.C. for maintaining good behavior on 04.03.2019 before the 1st respondent. Thereafter, during the bond period, the petitioner again involved in another case in Crime No.293 of 2019 for offences punishable under Sections 294(b), 324 and 506(ii) IPC following which, he was arrested and remanded to judicial custody. Since the petitioner breached the bond conditions executed by him under Section 107 Cr.P.C., the 1st respondent initiated proceedings under Section 122(1)(b) Cr.P.C. and the petitioner was produced before the 1st respondent on P.T.warrant following which, copies were served on the petitioner and sufficient opportunity was also given to the petitioner. Thereafter, 4 witnesses were examined and the petitioner himself has admitted his guilt for the offence. Therefore, the 1st respondent after satisfying himself that during the pendency of the bond period, the petitioner has involved in the ground case, cancelled the bond executed by the petitioner under Section 107 Cr.P.C. This Court does not find any perversity in the order passed by the 1st respondent and there is no merit in this revision.

6. Accordingly, this Criminal Revision case is dismissed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Poonamalle.

2.The Executive Magistrate cum
Deputy Commissioner of Police
Ambattur District

3.The Superintendent of Central Prison,
Puzhal, Chennai.

4.The Inspector of Police (Law & Order)
T6-Avadi Police Station
Ambattur District



5.The Public Prosecutor Officer,
High Court, Madras.

6.The Section Officer,
Criminal Section,
High Court, Madras.

Criminal Revision Case No.505 of 2019

SR-II(CO)
RVM(29/09/2021)