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Crl.R.C.No. 808 of 2021
and
Crl M.P.No. 11868 of 2021

A.D.JAGADISH CHANDIRA, J.,

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in M.P.No.05 of 2021 in R.C.No.369/Sec.Pro/DCP MNM/2021 passed by the 1st respondent in M5 Ennore P.S/Sl.No.137/2021 on the file of the second respondent and to enlarge the petitioner on bail.

2. Learned Counsel for the petitioner submits that the petitioner was earlier called for by the respondent and without following any procedure, the petitioner was directed to execute a bond for maintenance on good behaviour. Subsequently, the respondent has registered a false case against the petitioner in Crime No. 858 of 2021 on 10.10.2021 and when the petitioner was in custody, the impugned order has been passed on 23.10.2021 under Section 122 1(b) of Criminal Procedure, which is in violation of the procedures and principles of natural justice. He further submits that the petitioner has been directed to suffer punishment for 342



days and he is in custody for more than a month.

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3. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Thiruvotriyur.
- ii. The petitioner shall appear before the second respondent everyday at 5.30 p.m., until further orders.

4. This Criminal Miscellaneous Petition stands ordered accordingly.



WEB COPY 5. Notice to the respondents returnable in four weeks.

22.11.2021

mfa/rgi

A.D.JAGADISH CHANDIRA, J.,



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