



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12610 of 2021

IN CRL RC.905 of 2021

THANGAMUTHU @ VEDIMUTHU

[PETITIONER]

Vs

1 THE EXECUTIVE MAGISTRATE/DEPUTY COMMISSIONER,
OF POLICE, MADAVARAM DISTRICT,
CHENNAI

[RESPONDENTS]

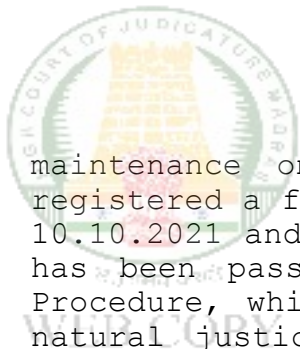
2 THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI-600 057

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of order dated 23.10.2021 passed by the 1st respondent in M.P.No.06 of 2021 in RC.No.195/Sec.Pro./DCP MVM/2021 in M-5 Ennore PS.SI. No.100/2021 under section 110 Cr.P.C. pending disposal of the above Crl.R.C.905 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.J.SENTHILKUMAR, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

These Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence imposed on the petitioner in M.P.No.06 of 2021 in RC.No.195/Sec.Pro./DCP MVM/2021 passed by the first respondent in M5, Ennor PS.SI.No.100/2021 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.858/2021 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 248 days and he is in custody for more than a month.

3.Mr.S.Sugendran, learned Government Advocate (Crl side) would submit that sufficient opportunity was given to the petitioner and only after following due procedure, the petitioner has been detained.

4. 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 substantive sentence of imprisonment alone is suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, 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, Thiruvottiyur.

ii.The petitioner shall appear before the second respondent every day at 5.30 p.m. until further orders.

5. The Criminal Miscellaneous Petition stands ordered accordingly.

6. Notice to the respondents returnable in four weeks.

-sd/-
07/12/2021

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,
THIRUVOTTIYUR.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI-600 057

4 THE EXECUTIVE MAGISTRATE/DEPUTY COMMISSIONER
OF POLICE, MADAVARAM DISTRICT, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.J.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO.14155

Order
in
CRL MP.12610/2021
in
CRL RC.905/2021

Date :07/12/2021

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

JPA 07/12/2021