



Bail Slip

The Petitioner/Accused Viz:Murali Krishnan, Male aged 29 years, S/o.Sivakumar was directed to be released on bail vide order dated 18.09.2019 in cr/mp.13422 of 2019 in CrI.R.C.No.946/2019 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.946 of 2019

Muralikrishnan

...Petitioner

-Vs-

The State represented by
The Inspector of Police,
Law and Order,
K-9, Thiru.Vi.Ka Nagar Police Station,
Chennai - 600 011.

...Respondent

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records pertaining to the judgment dated 03.07.2019 in M.P.No.1 of 2019 on the file of the Executive Magistrate and Deputy Commissioner of Police, Puliyanthope District, in RC No.131/SEC.PRO/DCP(P)2019 on the file of the Executive Magistrate and Deputy Commissioner of Police, Puliyanthope District in C.No.21/Inspr.K9 PS/Sec.Pro.2019 u/s 107 Cr.P.C. on the file of the respondent by convicting the petitioner for the offence under Section 122(1) (b) of Cr.P.C. and sentenced to undergo 280 days of imprisonment and set aside the same.

For Petitioner : Mr.S.Mohamed Ansar

For Respondent : Mr.S.Sugendran,
Govt. Advocate (CrI.Side)

O R D E R

The petitioner alleged to have involved in a case in Cr.No.752 of 2013 for the offence under Sections 147, 148, 341, 294(b), 323, 307 and 302 of IPC and during investigation, the petitioner was asked to execute a bond and accordingly, the petitioner executed a bond under Section 110 of Cr.P.C to keep



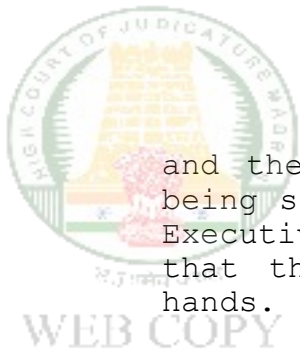
good conduct. Subsequently, when the police officials went to arrest the petitioner in Crime No.115 of 2019 on 16.06.2019, as per the order, the petitioner assaulted the police officials and he was arrested and remanded to judicial custody and further the ground case in Crime No.660 of 2019 was also registered for the offence under Sections 294(b), 324, 353 and 307 of IPC. Thereafter, the petitioner was produced before the Executive Magistrate and Deputy Commissioner of Police, Puliyanthope District, on P.T. Warrant. The petitioner engaged a counsel and cross examined the witnesses and the Executive Magistrate, after hearing both the parties, since, during the bond period, has committed the offence in Crime No.660 of 2019 violating the undertaking given in the bond. Hence the Executive Magistrate passed the order imposing sentence to undergo the remaining period of undertaking given in the bond executed by him, which is impugned in the present revision case.

2 The learned counsel appearing for the petitioner/accused would submit that the petitioner has not committed any offence as alleged by the respondent police and the complainant in the ground case is a police official and hence false case has been foisted against the petitioner. Further, without giving any opportunity to the petitioner, the order was passed sentencing the petitioner to undergo remaining period of undertaking given in the bond. Hence the impugned order is liable to be set aside.

3 Mr.S.Sugendran, learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner has involved in a murder case and during the bond period, when the police officials went to discharge their duty, the petitioner/accused prevented them and also assaulted with deadly weapons. Hence, the Executive Magistrate has rightly passed the order, which does not call for any interference of this Court.

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

5 It is seen that the petitioner previously involved in Crime Nos.752 of 2013 and 115 of 2019 and he was also directed to execute a bond for keeping good conduct and accordingly, he also executed a bond on 01.04.2019. Subsequently, on 16.06.2019, when the police officials went to arrest the petitioner in connection with the Crime No.115 of 2019 as per the order, the petitioner assaulted the police officials and thereby committed offence under Sections 294(b), 324, 353 and 307 IPC and hence the ground case was registered against him. Further, on a perusal of the impugned order, it is seen that the petitioner was given sufficient opportunities and he also engaged counsel



and the counsel cross examined the witnesses. Thereafter only, being satisfied with reports filed by the respondent police, The Executive Magistrate passed the order. Hence this Court finds that the petitioner has not approached this Court with clean hands.

6 This Court is of the view that after following all the procedures only the first respondent has passed the order, since during the period of undertaking, he involved in other case. Further, the petitioner also engaged a counsel and sufficient opportunities have been extended to the petitioner. Therefore this Court, does not find any reason to set aside the order of the Executive Magistrate.

7 Accordingly, the criminal revision petition stands dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Magistrate and Deputy Commissioner of Police, Puliyanthope District.
2. The Superintendent Central Prison-I, Puzhal, Chennai.
3. The Inspector of Police, Law and Order, K-9, Thiru.Vi.Ka Nagar Police Station, Chennai - 600 011.
4. The Public Prosecutor, High Court of Madras.

Cr1.R.C.No.946 of 2019

PMK[co]
NSK 07/09/2021