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Crl.M.P.No.15569 of 2022 in Crl.RC.No.1400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.15569 of 2022

in

Crl.R.C.No.1400 of 2022

Imthiyas @ Deel Imthiyas

... Petitioner

/vs/

1. The Sub Divisional Executive Magistrate/
Revenue Divisional Officer,
Vaniyambadi.
2. The Inspector of Police,
Town Police Station,
Vaniyambadi Sub Division,
Thiruppathur District.
3. The Superintendent,
Salem Central Prison,
Salem District

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under section 397(1), r/w.439 of Cr.P.C., to suspend the sentence imposed in the order of detention dated 22.08.2022 made in Na.Ka.A3.3169 of 2022 by the Sub Divisional Executive Magistrate/Revenue Divisional Officer, Vaniyampadi and enlarge the petitioner on bail, pending disposal of the above Criminal Revision Case.



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For petitioner ... Mr. C.D.Sugumar

For Respondent ... Mr.V. Meganathan, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in proceedings Na.Ka.A3.3169 of 2022, dated 22.08.2022 passed by the 1st respondent and release the petitioner on bail till the disposal of the above Criminal Revision Petition.

2. The learned counsel for the petitioner submitted that the allegation stated in the impugned proceedings is untrue and the petitioner is not involved in any crime. The impugned order has been passed for violation of bond under section 110 of Cr.P.C., which is unsustainable. Now it is under challenge. He would further submit that now the petitioner is detained in prison for violating the the bond executed under Section 110 Cr.P.C., as directed by the Sub Divisional Executive Magistrate/Revenue Divisional Officer, Vaniyampadi. Hence he seeks to enlarge the petitioner on bail till the disposal of this revision .



3. When the matter was taken up, the learned Govt. Advocate (crl.side) appearing for the respondents objected to release the petitioner on bail.

5. I have considered the submissions made on both side and perused the materials available on record.

6. The Sub Divisional Executive Magistrate/Revenue Divisional Officer, Vaniyampadi, on the complaint by the 2nd respondent police conducted enquiry and thereafter passed the impugned order which is now under challenge.

7. At this juncture, it is reported before this Court by the learned counsel for the petitioner that the connected cases involving the similar issue of this case is pending before the Honourable Chief Justice for constituting a larger Bench with regard to applicability of section 122(1)(b) Cr.P.C.

8. In view of the above, since the issues to be decided would take some time, this Court is inclined to grant bail to the petitioner till the disposal of the criminal revision on the following conditions.



9. Accordingly, the petitioner is ordered to be released on bail on the following conditions:-

(i) The petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before the Superintendent, Central Prison, Salem.

(ii)The petitioner shall appear before the second respondent Police everyday at 5.30 p.m., until further orders.

10. The Superintendent, Central Prison, Salem is directed to set the petitioner at liberty, if his further detention is no longer required in connection with any other case or proceedings.

11. The Criminal Miscellaneous Petition is ordered accordingly.

23.12.2022

rpl

To

1. The Sub Divisional Executive Magistrate/
Revenue Divisional Officer,
Vaniyambadi.



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V.SIVAGNANAM, J.

rpl

2. The Inspector of Police,
Town Police Station,
Vaniyambadi Sub Division,
Thiruppathur District.
3. The Superintendent,
Salem Central Prison,
Salem District
4. The Public Prosecutor, High Court, Madras.

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