



Crl.R.C.No.1449 of 2022
and Crl.M.P.No.16251 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1449 of 2022
and
Crl.M.P.No.16251 of 2022

Suresh

... Petitioner

..VS..

1.The Executive Magistrate-cum-
Deputy Commissioner of Police,
St.Thomas Mount District,
Chennai – 16.

2.State rep.by
The Inspector of Police (Law and Order),
S-9, Pazhavanthangal Police Station,
Chennai – 114.

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to
set aside the order in M.P.No.20 of 2022 in Na.Ka.No.230/ Nir.Se.Nadu/
Ka.Thu.Aa.Pu.Tho.Ma/2022 vide an order dated 02.09.2022 on the file of
the 1st respondent and to allow the above Criminal Revision Case.



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For Petitioner : Mr.S.N.Arun Kumar
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the order dated 02.09.2022 passed in M.P.No.20 of 2022 in Na.Ka.No.230/ Nir.Se.Nadu/ Ka.Thu.Aa.Pu.Tho.Ma/2022 by the first respondent.

2. The case of the prosecution is that on 24.5.2022 at 9.00 a.m when the second respondent/Police was on patrolling, the petitioner was about to escape on seeing the second respondent and when he was intercepted and enquired by the police, the petitioner admitted his involvement in Crime No.59 of 2009 for the offences punishable under Sections 307 altered into Section 302 IPC. On receipt of the summons, the petitioner appeared before the first respondent and executed a bond under Section 110 Cr.P.C. to keep good behaviour for a period of one year. During the said bond period, based on the complaint given by one Preethi, the second respondent police registered a case in Crime No.180 of 2022 for the offences under Sections 294(b), 354, 341 and 506(ii) IPC r/w 4 of



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3.The learned counsel for the petitioner would submit that while, the petitioner was in custody in Crime No.180 of 2022, on Prisoner's Transit Warrant, he was produced before the first respondent and without affording any opportunity to the petitioner to engage a counsel to defend his case, the first respondent passed an order under Section 122(1)(b) Cr.P.C. Therefore, the impugned order passed by the first respondent is liable to be set aside.

4.The learned Additional Public Prosecutor for the respondents



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would submit that the offences against the petitioner are serious in nature, however, in order to keep good behaviour for a period of one year, the petitioner was executed a bail bond under Section 110 Cr.P.C. Subsequently, the petitioner involved in another case in Crime No.180 of 2022. After due enquiry, the first respondent initiated proceedings under Section 122 (1) (b) of Cr.P.C and cancelled the bail bond executed under Section 110 Cr.P.C. Hence, there is no merit in this case and the same may be liable to be dismissed.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and also perused the materials available on record.

6.Admittedly, on execution of the bail bond under Section 110 Cr.P.C., based on the complaint given by Preethi the respondent/Police registered a case in Crime No.180 of 2022 for the offences under Sections 294(b), 354, 341 and 506(ii) IPC r/w 4 of TNPHW Act against the



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petitioner. On the side of the prosecution four witnesses were examined.

After enquiry, the first respondent police found that if the petitioner was released on bail he would again involve in the same type of offence and hence, initiated proceedings against the petitioner under Section 122(1) (b) of Cr.P.C for the breach of bond executed under Section 110 Cr.P.C.

7. Considering the above facts and circumstances, this Court does not find any perversity or illegality in the order dated 02.09.2022 passed by the first respondent and hence, the Criminal Revision Case is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

31.10.2022

Index: Yes/No
Speaking Order/Non-Speaking Order
ms

P.VELMURUGAN, J.

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 - 2.The Inspector of Police (Law and Order),
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Chennai – 114.
 - 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
 - 4.The Public Prosecutor,
High Court, Madras.

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