

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.16689 of 2022

in

Crl.R.C.No.1475 of 2022

Musthafa ... petitioner

/vs/

1. The Executive Magistrate/
cum Deputy Commissioner of Police,
St. Thomas Mount, Chennai.

2. The State, represented by its
Inspector of Police,
S-9, Pazhavanthangal Police Station,
Chennai 600 114.

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence and enlarge the petitioner on bail in M.P.No.11 of 2022 Na.Ka.No.60/Nir.Se.Naduvar.Kaval Thurai Anai.Pa.St. Thomas Mount/2022, dated 30.06.2022 on the file of the 1st respondent under section 122(1)(b) r/w.117 of Cr.P.C., pending disposal of the revision petition.

For petitioners ... Mr. K.Gokulram

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

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to

suspend the sentence and enlarge the petitioner on bail in M.P.No.11 of 2022 Na.Ka.No.60/Nir.Se.Naduvar.Kaval Thurai Anai.Pa.St. Thomas Mount/2022, dated 30.06.2022 on the file of the 1st respondent under section 122(1)(b) r/w.117 of Cr.P.C., pending disposal of the revision petition.

2. The learned counsel for the petitioner submitted that the allegation stated in the impugned proceedings is untrue and he is not involved in any crime. Therefore, directing the petitioner to furnish security for keeping good behaviour under section 110 Cr.P.C., is unsustainable. Now it is under challenge.

3. Now the petitioner is in prison for violating the the bond executed under Section 110 Cr.P.C., as directed by the The Executive Magistrate/ cum Deputy Commissioner of Police, St. Thomas Mount, Chennai. Hence he seeks to enlarge the petitioner on bail till the disposal of this revision .

4. 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 Executive Magistrate/ cum Deputy Commissioner of Police, St. Thomas Mount, Chennai, on the request of the 2nd respondent police, conducted enquiry and thereafter he directed the petitioner to execute a bond on 15.02.2022 for keeping good behaviour for a period of one year from the date of execution of bond. The reason stated by the 1st respondent Magistrate is now under challenge. In these circumstances, I am inclined to grant bail to the petitioner till the disposal of the criminal revision on the following conditions.

7. 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, Puzhal, Chennai.

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

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

9. The Criminal Miscellaneous Petition is ordered accordingly.

22.12.2022

msr

Note : Issue Today

To

1. The Executive Magistrate/
cum Deputy Commissioner of Police,
St. Thomas Mount, Chennai.
2. The Inspector of Police,
S-9, Pazhavanthangal Police Station,
Chennai 600 114.
3. The Public Prosecutor, High Court, Madras
4. The Superintendent, Central Prison, Puzhal, Chennai

V.SIVAGNANAM, J.

msr

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