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Crl.MP No.19764 of 2022 in Crl.R.C.No.1665 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.12.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.19764 of 2022**

**in**

**Crl.RC No.1665 of 2022**

Manimaran

... Petitioner

Vs.

1.The Sub Divisional Magistrate  
and Revenue Division Officer,  
Kanchipuram, Kanchipuram District.

2.The Inspector of Police,  
B-4, Baluchettychatiram Police Station,  
Kanchipuram, Kanchipuram District.

... Respondents

**Prayer:** Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the sentence imposed by The Sub Divisional Magistrate and Revenue Divisional Officer, Kanchipuram in M.C.No.1047/2022/A1 dated 27.08.2022 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.V.Meganathan,  
Government Advocate (Crl. Side)



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### **ORDER**

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the first respondent, vide order dated 27.08.2022, pending disposal of the Criminal Revision Petition.

2. The learned counsel for the petitioner submitted that the petitioner was made to execute a bond under Section 110 of Cr.P.C. for maintaining good behaviour on 30.03.2022. He further submitted that, on 16.07.2022, a case in Crime No.366 of 2022 was registered against the petitioner for the offences punishable under Sections 392, 397, 506(ii) IPC. The learned counsel also submitted that, without giving any opportunity to the petitioner, the first respondent has passed the impugned order, believing the version of the second respondent police and sentenced him to undergo imprisonment for the remaining period of bond and the above order is under challenge.

3. The learned counsel for the petitioner further submitted that, now, the petitioner is in prison for violating the bond executed under Section 110 Cr.P.C., as directed by the first respondent and hence, the petitioner may be enlarged on bail



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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 Sub Divisional Magistrate and Revenue Division Officer, Kanchipuram, after recording the statements made by the witnesses and perusing the documents, has passed the impugned order and sentenced the petitioner to undergo imprisonment for the remaining period of bond and the same is under challenge.

7. At this juncture, it is relevant to note that the cases involving the similar issue of this case, is pending before the Honourable Chief Justice of this Court for constituting a larger Bench with regard to applicability of section 122(1)(b)



8. In such circumstances, 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 a own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before the Superintendent, Central Prison, Vellore.

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

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



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11. The Criminal Miscellaneous Petition is ordered accordingly.

23.12.2022

mst

To

- 1.The Sub Divisional Magistrate  
and Revenue Division Officer,  
Kanchipuram, Kanchipuram District.
2. The Superintendent, Central Prison, Vellore.
- 3.The Inspector of Police,  
B-4, Baluchettychatiram Police Station,  
Kanchipuram,Kanchipuram District.
4. The Public Prosecutor, High Court, Madras.



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**V.SIVAGNANAM, J.**

mst

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23.12.2022