



Crl.M.P.No.19623 of 2022
in
Crl.R.C.No.1646 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19623 of 2022
in
Crl.R.C.No.1646 of 2022

Ashok Kumar
(Now confining at Central Prison, Cuddalore) .. Petitioner

/versus/

1.The State rep by its
The Sub-Divisional Executive Magistrate
and Revenue Divisional Officer,
Villupuram.

2.The Inspector of Police,
Villupuram West Police Station,
Villupuram.

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under Section 389 (1) r/w 439 of Cr.P.C., to suspend the sentence imposed on the petitioner pertaining of proceedings in MC/84/2022 dated 04.11.2022 passed by the 1st respondent and release the petitioner on bail till the disposal of the above Criminal Revision Petition No.1646 of 2022.

For petitioner	...	Mr.D.Balaji
For Respondents	...	Mr.V. Meganathan, GA (crl.side)



WEB COPY



Crl.M.P.No.19623 of 20__
in
Crl.R.C.No.1646 of 2022

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence and enlarge the petitioner on bail in MC/84/2022, dated 04.11.2022 on the file of the 1st respondent under Section 122(1)(b) 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 bond executed under Section 110 Cr.P.C., as directed by the The Sub-Divisional Executive Magistrate and Revenue Divisional Officer, Villupuram. Hence, he seeks to enlarge the petitioner on bail till the disposal of this revision .



Crl.M.P.No.19623 of 20__
in
Crl.R.C.No.1646 of 2022

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 Executive Magistrate and Revenue Divisional Officer, Villupuram, 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, Cuddalore;

(ii)The petitioner shall appear before the second



WEB COPY



Crl.M.P.No.19623 of 20__
in
Crl.R.C.No.1646 of 2022

respondent Police everyday at 05.30 p.m., until further orders.

8. The Superintendent, Central Prison, Cuddalore, 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

ari

Note: Issue today

To:

1. The Sub-Divisional Executive Magistrate and Revenue Divisional Officer, Villupuram.
2. The Inspector of Police, Villupuram West Police Station, Villupuram.
3. The Superintendent, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.M.P.No.19623 of 2022
in
Crl.R.C.No.1646 of 2022

V.SIVAGNANAM, J.

ari

Crl.M.P.No.19623 of 2022
in
Crl.R.C.No.1646 of 2022

22.12.2022