



Crl.M.P.No.19722of 2022 in Crl.Rc.No.1653 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.19722of 2022

in

Crl.Rc.No.1653 of 2022

Thulasiraman

... Petitioner

Vs.

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

2. The Inspector of Police,
B4, Baluchettychatiram Police Station,
Kanchipuram, Kanchipuram District.

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) and 439 of Cr.P.C. to suspend the sentence imposed by the Sub Divisional Magistrate and Revenue Divisional Officer, Kanchipuram in M.C.No.1239/2022/A1 dated 27.08.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.V.Meganathan,
Gov. Advocate (Crl.Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Sub Divisional Magistrate and Revenue Divisional Officer, Kanchipuram in M.C.No.1239/2022/A1 dated 27.08.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.

2. The learned counsel for the petitioner submitted that the petitioner executed a bond under Section 110 of Cr.P.C. for good behavior on 25.04.2022. He further submitted that, though the petitioner is not involved in any crime as alleged by the respondent police, the respondent police registered a case in Crime No.366 of 2022 for the alleged offence under Section 392, 397, 506(ii) of IPC. He further submitted that the first respondent has passed the impugned order, believing the version of the respondent police and has sentenced the petitioner to undergo imprisonment for the remaining period of bond and the above order is under challenge.

3. He 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 till the disposal of this revision.

4. When the matter is taken up, the learned Govt. Advocate (crl.side)



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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, on the request made by the 2nd respondent police, examined the witnesses and after perusing the records, sentenced the petitioner as stated above 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) Cr.P.C.

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.



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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, 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.

11. The Criminal Miscellaneous Petition is ordered accordingly.

23.12.2022
(2/2)

mst



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WEB COPY **To**

1. The Sub Divisional Magistrate and
Revenue Division Officer,
Kanchipuram, Kanchipuram District.
2. The Inspector of Police,
B4, Baluchettychatiram Police Station,
Kanchipuram, Kanchipuram District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mst

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