



Crl.MP No.19799 of 2022 in Crl.R.C.No.1674 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.19799 of 2022
in Crl.R.C.No.1674 of 2022

Subash Chandra Bose

... Petitioner

Vs.

1.The Executive Magistrate Cum &
Deputy Commissioner of Police (South)
At Tiruppur City.

2.State Rep. by Inspector of Police (L & O)
Veerapandi Police Station,
Tiruppur City.
Respondents

...

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code, pleaded to suspend the sentence imposed on the petitioner dated 19.09.2022 by the first respondent / Executive Magistrate cum & Deputy Commissioner of Police (South) at Tiruppur in E.M.C.No.69 of 2022 in second respondent / Veerapandi Police Station, Tiruppur City in Crime No.576 of 2022 under Section 392 r/w 397 of IPC and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.



Crl.MP No.19799 of 2022 in Crl.R.C.No.1674 of 2022

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

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the first respondent, vide order dated 19.09.2022, 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 29.07.2022. Subsequently, on the complaint made by one Alagar Raja, a case in Crime No.576 of 2022 has been registered against the petitioner for the offences punishable under Sections 392 r/w 397 IPC. The learned counsel also submitted that, without appreciating the law and facts, the first respondent has passed the impugned order, only on the request made by the second respondent police and sentenced the petitioner to undergo imprisonment for the remaining period of bond and the above order is under challenge.



Crl.MP No.19799 of 2022 in Crl.R.C.No.1674 of 2022

WEB COPY

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 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 (South) At Tiruppur City, after examining 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



Crl.MP No.19799 of 2022 in Crl.R.C.No.1674 of 2022

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.

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, Tiruppur District Prison.

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

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



WEB COPY



Crl.MP No.19799 of 2022 in Crl.R.C.No.1674 of 2022

11. The Criminal Miscellaneous Petition is ordered accordingly.

23.12.2022

(2/2)

mst

To

- 1.The Executive Magistrate Cum &
Deputy Commissioner of Police (South)
At Tiruppur City.
2. The Superintendent, Tiruppur District Prison.
- 3.The Inspector of Police (L & O)
Veerapandi Police Station, Tiruppur City.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.MP No.19799 of 2022 in Crl.R.C.No.1674 of 2022

V.SIVAGNANAM, J.

mst

Crl.M.P.No.19799 of 2022 in
Crl.R.C.No.1674 of 2022

23.12.2022

(2/2)