



CrI.O.P.(MD) No.10009 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM:

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

CrI.O.P.(MD) No.10009 of 2022

M.Syed Ibrahim

... Petitioner

Vs

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Deputy Commissioner of Police (North),
Office of the Commissioner of Police,
Alagarkovil Road,
Madurai – 625 007.

3. The Inspector of Police (L&O),
Anna Nagar Police Station,
Madurai – 625 020.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying this Court to direct the third respondent not to harass the petitioner in the guise of compelling the petitioner to execute security bond without any notice or summons based on the petitioner's representation dated 04.06.2022.

For Petitioner : Mr.M.Seenisulthan
For Respondents : Mr.A.Albert James
Government Advocate (CrI)



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ORDER

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This Criminal Original Petition has been filed to direct the third respondent not to harass the petitioner in the guise of compelling the petitioner to execute security bond without any notice or summons based on the petitioner's representation dated 04.06.2022.

2. The learned counsel for the petitioner submitted that the petitioner is frequently directed by the third respondent/Inspector of Police to come to Police Station and to execute security bond without any notice and summons. Hence, this petition has been filed.

3. The learned Government Advocate (Criminal Side) submitted that the petitioner is an accused in Crime No.99 of 2018 under Section 302 IPC and in the said case, charge has been filed and the same has been taken on file as S.C.No.336 of 2019 by the V Additional District and Sessions Court, Madurai. In this circumstances, the respondent police called the petitioner to execute a security bond for good behavior under Section 110 Cr.P.C.



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4. I have considered the matter in the light of the submissions made by the learned counsel appearing on either side.

5. It is not disputed that the petitioner is the accused in S.C.No.336 of 2019 on the file of the V Additional District and Sessions Court, Madurai. According to the petitioner, the respondent police called the petitioner frequently to appear before the Police Station and also compelled him to execute a bond for his good behavior for security. Aggrieved by this, the petitioner filed this criminal original petition.

6. According to the learned Government Advocate (Criminal Side), the petitioner was called by the third respondent for executing a security bond for his good behavior. He further submitted that the petitioner has involved in a murder case in Crime No.99 of 2018.

7. Section 110 Cr.P.C, is enabling the provision to the Executive Magistrate for getting a bond from habitual offenders as security for good behavior and the Executive Magistrate is alone having power for seeking a person to execute security bond for good behavior. The third respondent is not authorised to act under Section 110 Cr.P.C.



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8. Now, the point for consideration is whether the respondent police is the competent authority to ask the petitioner/accused to execute a bond under Section 110 Cr.P.C, for his good behavior. Section 110 Cr.P.C., is enabling the provision to the Executive Magistrate for getting a bond from habitual offenders as security for good behavior. Section 110 Cr.P.C, requires that the show cause should be issued in the manner provided under Cr.P.C. Therefore, the respondent police is not competent authority to ask the petitioner and required him to execute a bond for his good behavior. Therefore the respondent police is hereby directed to not to compel the petitioner in this regard.

9. With the above direction, this Criminal Original Petition is disposed of.

22.06.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

csm



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3. The Inspector of Police (L&O),
Anna Nagar Police Station,
Madurai – 625 020.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

csn

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22.06.2022