



CrI.MP No.2577 of 2023 in
CrI.RC No.312 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No.2577 of 2023 in
in
CrI.RC No.312 of 2023

Nisthar

... Petitioner

Vs.

1.The Executive Magistrate and Tahsildar of
Mettupalayam Taluk, Mettupalayam,
Coimbatore District.

2. State rep. by : Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) and 439 of Criminal Procedure Code to suspend the sentence imposed on the petitioner by the Executive Magistrate and Tahsildar of Mettupalayam Taluk, Mettupalayam, Coimbatore District by order dated 08.07.2022 in Na.Ka.No.3106/2022/A7 in Mettupalaym Police Station in Crime No.91 of 2022, under Section 110 CrI.PC and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.R.Thamaraiselvan



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: 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 08.07.2022 passed in Na.Ka.3106/2022/A7 and enlarge him on bail, 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 05.04.2022. He further submitted that, on 29.06.2022, a case in Crime No.556 of 2022 was registered against the petitioner for the offence punishable under Section 392 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



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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 first respondent, after 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 a Division Bench was constituted by the Honourable Chief Justice of this Court to deal with the cases with regard to applicability of section 122(1)(b) Cr.P.C.

8. In such circumstances, since the issues to be decided by the Division



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Bench of this Court 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, Coimbatore.

(ii) The petitioner shall affix his photographs and Left Thumb Impression in the bond and the Superintendent may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

10. The Superintendent, Central Prison, Coimbatore 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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WEB COPY 11. The Criminal Miscellaneous Petition is ordered accordingly.

22.02.2023

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To

- 1.The Executive Magistrate and Tahsildar of
Mettupalayam Taluk, Mettupalayam,
Coimbatore District.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police, Mettupalayam Police Station,
Coimbatore District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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22.02.2023

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