



Crl.MP No.1297 of 2023 in
Crl.RC No.165 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.1297 of 2023 in
in
Crl.RC No.165 of 2023

Subash

... Petitioner

Vs.

1.The Executive Magistrate cum
Deputy Commissioner of Police,
Sengundram District.

2. State rep. by : Inspector of Police (Law and Order)
M5, Ennore Police Station,
Chennai-57.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(I) & 439 of Criminal Procedure Code to suspend the sentence imposed by the Executive Magistrate cum Deputy Commissioner of Police, Sengundram District in M.P.No.05/2022 in R.C.No.80/Sec. Pro/DCP RED/2022 in M5, Ennore Police Station Sl.No.63/2022 under Section 110 CrI.P.C. dated 03.01.2023 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.S.Senthilvel

1 of 6



Crl.MP No.1297 of 2023 in
Crl.RC No.165 of 2023

WEB COPY

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 03.01.2023 passed in M.P.No.05 of 2022 in R.C.No.80/Sec.Pro/DCP RED/2022 in M5, Ennore P.S.Sl.No.63/2022 u/s 110 Cr.P.C. and enlarge the petitioner 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 19.07.2022. He further submitted that, on 20.11.2022, a case in Crime No.680 of 2022 was registered against the petitioner for the offences punishable under Sections 147, 148, 341, 294(b), 323, 307, 506(ii) 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.



Crl.MP No.1297 of 2023 in
Crl.RC No.165 of 2023

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



Crl.MP No.1297 of 2023 in
Crl.RC No.165 of 2023

WEB COPY

8. In such circumstances, since the issues to be decided by the Division 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, Puzhal-I, Chennai.

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

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



Crl.MP No.1297 of 2023 in
Crl.RC No.165 of 2023

WEB COPY 11. The Criminal Miscellaneous Petition is ordered accordingly.

09.02.2023

mst

To

11. The Executive Magistrate cum
Deputy Commissioner of Police,
Sengundram District.
2. The Superintendent, Central Prison-I,
Puzhal, Chennai.
3. The Inspector of Police (Law and Order)
M5, Ennore Police Station, Chennai-57.
4. The Public Prosecutor, High Court, Madras.



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Crl.MP No.1297 of 2023 in
Crl.RC No.165 of 2023

V.SIVAGNANAM, J.

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Crl.M.P.No.1297 of 2023 in
Crl.RC No.165 of 2023

09.02.2023