



Crl.MP No.1403 of 2023 in
Crl.RC No.183 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.1403 of 2023 in
in
Crl.RC No.183 of 2023

Sugesh

... Petitioner

Vs.

1.The Executive Magistrate cum
Deputy Commissioner of Police,
Salem South, Salem City.

2. State rep. by : Inspector of Police,
B-1, Town Police Station, Salem City.
(Crime No.20/2022)

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397 r/w 401 r/w 482 of Criminal Procedure Code to suspend the sentence imposed imposed by the first respondent by his proceedings in M.C.No.107/EM & DCP(s)/SLM(c)/2022 dated 21.12.2022, pending disposal of the main Criminal Revision Petition.

For Petitioner

: Mr.M.Subash

For Respondents

: Mr.V.Meganathan,
Government Advocate (Crl. Side)

ORDER

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WEB COPY This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the first respondent, vide proceedings dated 21.12.2022 in M.C.No.107/EM & DCP(s)/SLM(c)/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 12.07.2022. He further submitted that, on 01.11.2022, a case in Crime No.20/2022 was registered against the petitioner for the offences punishable under Sections 392 r/w 397, 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.

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



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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 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, Salem.

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

10. The Superintendent, Central Prison, Salem, 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.



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09.02.2023

mst

To

- 1.The Executive Magistrate cum Deputy Commissioner of Police,
Salem South, Salem City.
2. The Superintendent, Central Prison, Salem.
3. State rep. by : Inspector of Police,
B-1, Town Police Station, Salem City.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

mst

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