



Crl.MP No.2753 of 2023 in
Crl.RC No.345 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2753 of 2023 in
in
Crl.RC No.345 of 2023

Purushothaman

... Petitioner

Vs.

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

2. The Inspector of Police,
T-10 Manimangalam Police Station,
Tambaram District, Chennai.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) and 439 of Criminal Procedure Code to suspend the sentence imposed on the petitioner in M.P.No.1/2022 in Na.Ka.No.83/Nir.Se.Nadu.Ka.Thu.Aa.Ta.Ma/2022 dated 18.10.2022 by the Exective Magistrate cum Deputy Commissioner of Police, Tambaram, Chennai District and enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

For Petitioner

: Mr.E.C.Murali

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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 18.10.2022 passed in M.P.No.1/2022 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 04.08.2022. He further submitted that, on 06.08.2022, a case in Crime No.245/2022 was registered against the petitioner for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act. 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 recording the statement of 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, Puzhal, Chennai.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the learned 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, Puzhal, Chennai is directed to set



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11. The Criminal Miscellaneous Petition is ordered accordingly.

27.02.2023

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mst

To

- 1.The Executive Magistrate cum Deputy Commissioner of Police,
Tambaram, Tambaram District, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Inspector of Police, T-10 Manimangalam Police Station,
Tambaram District, Chennai.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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27.02.2023

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