



Crl.M.P.No.2239 of 2023 in Crl.RC.No.270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2239 of 2023

in

Crl.R.C.No.270 of 2023

Yugesh

... Petitioner

/vs/

1. The Sub Divisional Magistrate
and Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.

2. The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram,
Kanchipuram District.

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under section 397(1), r/w.439 of Cr.P.C., to suspend the sentence passed by the 1st respondent in R.C.No.2757 of 2022 dated 05.01.2023 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

For petitioner

... Mr.A.Saranraj

For Respondent

... Mr.V. Meganathan, GA (crl.side)



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ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in R.C.No.2757 of 2022 dated 05.01.2023 passed by the 1st respondent and release the petitioner on bail till the disposal of the above Criminal Revision Petition.

2. The learned counsel for the petitioner submitted that the allegation stated in the impugned proceedings is untrue and the petitioner is not involved in any crime. The impugned order has been passed for violation of bond under section 110 of Cr.P.C., which is unsustainable. Now it is under challenge. He would further submit that now the petitioner is detained in prison for violating the bond executed under Section 110 Cr.P.C., as directed by the 1st respondent. Hence he seeks to enlarge the petitioner on bail till the disposal of this revision.

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 Government 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 Sub Divisional Magistrate and Revenue Divisional Officer, Kanhipuram, on the complaint by the 2nd respondent police, conducted enquiry and thereafter passed the impugned order which is now 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 case regarding applicability of Section 122(1)(b) Cr.P.C.

8. In view of the above, 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.



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9. Accordingly, the petitioner is ordered to be released on bail on the following conditions:-

(i) The petitioner shall execute 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 Superintendent, Central Prison, Puzhal, Chennai may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;

(iii) 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 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.

15.02.2023

msr



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To

1. The Sub Divisional Magistrate and Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram, Kanchipuram District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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