



WEB COPY



Crl.M.P.No.2158 of 2023 in Crl.RC.No.268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2158 of 2023

in

Crl.R.C.No.268 of 2023

Kozhi Raja @ Raja

... Petitioner

/vs/

1. The Executive Magistrate &
Assistant Commissioner of Police,
North, Coimbatore City,
Coimbatore.
2. The Inspector of Police,
B-2, R.S.Puram (Law & Order)
Police Station,
Coimbatore City.
3. The Superintendent,
Central Prison, Coimbatore,
Coimbatore District

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under section 397(1), of Cr.P.C., to suspend the sentence of imprisonment imposed in the order of detention dated 19.10.2022 passed in Miscellaneous Petition No.10/2022 in Na.Ka.No.300/NIR. SE. NADU/ K. THU.AA/ (North) KO. MA /2022 by Executive Magistrate cum Assistant Commissioner of Police, North, Coimbatore City and enlarge the petitioner on bail, pending disposal of the above criminal revision case.



WEB COPY



Crl.M.P.No.2158 of 2023 in Crl.RC.No.268 of 20--

For petitioner ... Mr.C.D.Sugumar
For Respondent ... Mr.V. Meganathan, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment imposed in the order of detention dated 19.10.2022 passed in Miscellaneous Petition No.10/2022 in Na.Ka.No.300/NIR.SE.NADU/KA.THU.AA/(North) KO.MA/2022 by Executive Magistrate cum Assistant Commissioner of Police, North, Coimbatore City and enlarge the petitioner on bail, pending disposal of the above criminal revision case

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.



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 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 Executive Magistrate & Assistant Commissioner of Police, North, Coimbatore City, Coimbatore, 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.

WEB COPY

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.

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, Coimbatore, Coimbatore District.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Superintendent, Central Prison, Coimbatore, Coimbatore District, 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.



WEB COPY

10. The Superintendent, Central Prison, Coimbatore, Coimbatore District 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

Note: Issue order copy on 06.03.2023

To

1. The Executive Magistrate &
Assistant Commissioner of Police,
North, Coimbatore City,
Coimbatore.
2. The Superintendent, Central Prison, Coimbatore District.
3. The Inspector of Police,
B-2, R.S.Puram (Law & Order)
Police Station,
Coimbatore City.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.M.P.No.2158 of 2023 in Crl.RC.No.268 of 2023

V.SIVAGNANAM, J.

msr

Crl.M.P.No.2158 of 2023
in
Crl.R.C.No.268 of 2023

15.02.2023