



Crl.M.P.No.2103 of 2023 in Crl.RC.No.184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2103 of 2023

in

Crl.R.C.No.184 of 2023

Jesica

... Petitioner

/vs/

1. The Sub Divisional Magistrate/
and Sub Collector,
Chengalpattu.
2. The Deputy Superintendent of Police,
Chengalpattu Sub Division,
Chengalpattu District.
3. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu 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 M.C.No.154 of 2022 dated 26.12.2022 against the petitioner, pending disposal of the above Criminal Revision Case.

For petitioner ... Ms.J.Pavithra

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



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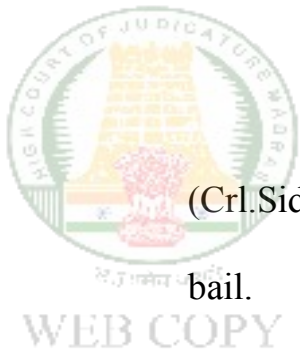
ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in in M.C.No.154 of 2022 dated 26.12.2022 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. She 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 Sub Divisional Magistrate/Sub Collector, Chengalpattu District. Hence she 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/Sub Collector, Chengalpattu District, on the complaint by the 3rd 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.

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 Jailer/Superintendent, Chengalpattu Jail, Chengalpattu.

(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.

13.02.2023

rpl

To

1.The Sub Divisional Magistrate/ Sub Collector,
Chengalpattu.

2.The Deputy Superintendent of Police,
Chengalpattu Sub Division,
Chengalpattu District.

3.The Inspector of Police,
Chengalpattu Town Police Station,



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Chengalpattu District.

4.The Jailer/Superintendent, Chengalpattu Jail, Chengalpattu.

5. The Public Prosecutor, High Court, Madras.

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V.SIVAGNANAM, J.

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