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*Crl.M.P.No.2307 of 2023 in
Crl.RC No.278 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.2307 of 2023 in
Crl.RC No.278 of 2023**

Sakthivel

... Petitioner

Vs.

1.The Executive Magistrate cum-
Deputy Commissioner North Coimbatore Town.

2.Mr.Ramesh Kumar,
The Inspector of Police,
C.4, Rathinapuri(Law & Order Police Station,
Coimbatore Town and District).

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389(1) r/w.439 of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner in connection with Cr.MP.No.8 of 2022 in Na.Ka.No.51/Nir.Che.Nadu/Ka.Thu.A/North)/Co.Ma/2022 dated 20.12.2022 passed by the Executive Magistrate cum Deputy Commissioner of Police, North Coimbatore Town, Coimbatore District and enlarge the petitioner on bail, pending disposal of above Criminal Revision Petition.

For Petitioner : Mr.R.Sankarasubbu

For Respondent :V.Meganathan, Government

Advocate(Cri.side).



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Crl.RC No.278 of 2023*

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the first respondent, vide order dated 20.12.2022 in connection with Cr.MP.No.8 of 2022 in Na.Ka.No.51/Nir.Che.Nadu/Ka.Thu.A/North)/Co.Ma/2022 and enlarge the petitioner 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 22.08.2022. He further submitted that, on 15.10.2022, a case in Crime No.509 of 2022 was registered against the petitioner for the offences punishable under Section 379 IPC. The learned counsel also submitted that, the petitioner has not committed any offence as alleged by the respondent police and 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.



*Crl.M.P.No.2307 of 2023 in
Crl.RC No.278 of 2023*

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 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.



*Crl.M.P.No.2307 of 2023 in
Crl.RC No.278 of 2023*

WEB COPY

8. In such circumstances, 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 a own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before the Superintendent, Central Prison, Coimbatore.

(ii)The petitioner shall affix his photographs and Left Thumb Impression in the bond and the Superintendent may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

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

10. The Superintendent, Central Prison, Coimbatore is directed to set



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Crl.RC No.278 of 2023*

WEB COPY

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.

16.02.2023

(2/2)

Index: Yes/No
Internet: Yes/No
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To

1. The Executive Magistrate cum-
Deputy Commissioner North Coimbatore Town.
2. Mr. Ramesh Kumar,
The Inspector of Police,
C.4, Rathinapuri (Law & Order Police Station,
Coimbatore Town and District).
3. The Superintendent, Central Prison, Coimbatore



WEB COPY



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V.SIVAGNANAM, J.

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**16.02.2023
(2/2)**