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Crl.M.P.No.2658 of 2023 in Crl.RC.No.325 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2658 of 2023

in

Crl.R.C.No.325 of 2023

Karthik @ Youtube Kathik

... Petitioner

/vs/

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

2. The State, represented by
The Inspector of Police,
M-4, Redhills Police Station,
Chennai District.

... Respondents

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner made in M.P.No.1 of 2023 in RC.No.88/Sec.Pro/DCP/RED/2022, dated 19.01.2023 on the file of the Executive Magistrate cum Deputy Commissioner of Police, Redhills, Chennai and release the petitioners on bail, pending determination of this Criminal Revision.

For petitioner

... Mr.P. Chandrasekar

For Respondents

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



ORDER

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This Criminal Miscellaneous Petition has been preferred seeking to to suspend the sentence imposed on the petitioner made in M.P.No.1 of 2023 in RC.No.88/Sec.Pro/DCP/RED/2022, dated 19.01.2023 on the file of the Executive Magistrate cum Deputy Commissioner of Police, Redhills, Chennai and release the petitioners on bail, pending determination of this Criminal Revision.

2. By the impugned proceedings dated 19.01.2023, the first respondent remanded the petitioner to judicial custody for violation of bond executed by him on 21.07.2022 u/s.110 of Cr.P.C., for keeping good behaviour for one year and ordered him to undergo imprisonment for 193 days after deducting 138 days (period for keeping good behaviour) and 7 days (period under judicial custody) out of 365 days. Against the order passed by the 1st respondent, the petitioner has preferred the present Crl.R.C., along with instant miscellaneous petition seeking suspension of sentence imposed on the petitioner till the disposal of the criminal revision petition.

3. 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., as directed by the 1st respondent 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.

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 cum Deputy Commissioner of Police, Redhills, Chennai, 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.

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.

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



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10. The Superintendent, Central Prison, Puzhal 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.

24.02.2023

msr

To

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



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V.SIVAGNANAM, J.

msr

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