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Crl.M.P.No.2586 of 2020
in
Crl.R.C.No.344 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/1/2023

C O R A M

THE Hon'ble Mr.Justice **N. SATHISH KUMAR**
a n d
THE HONBLE Mr.Justice **N.ANAND VENKATESH**

Crl.M.P.No.2586 of 2020
in
Crl.R.C.No.344 of 2020

Manikandan @ Mandamani ... Petitioner

Vs

State
rep. By The Inspector of Police
T 6 Avadi Police Station
Avadi
Chenani 54. ... Respondent

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence imposed by the Executive Magistrate-cum-Deputy Commissioner of Police, Ambattur, Chennai in M.P.No.2/2020 in C.No.372/Sec.Pro/Dc.Amb/2019 in T 6 Avadi Ps C.No.28/Inspr.T6PS/Sec.Pro/2019 under Section 107 of Cr.P.C., dated 8/2/2020, pending disposal of Crl.R.C.



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For Petitioner ... Mr.S.Senthilvel
For respondents ... Mr.Hasan Mohammed Jinnah
State Public Prosecutor

ORDER

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Executive Magistrate-cum-Deputy Commissioner of Police, Chennai, in M.P.No.2 of 2020 dated 8/2/2020.

2. Heard the learned counsel appearing on either side.

3. The Executive Magistrate-cum-Deputy Commissioner of Police, Chennai has passed an order, cancelling the bond executed by the petitioner, on the ground that he has violated the terms of the bond and has directed the petitioner to be detained in the prison.

4. All the cases where such orders are passed to detain, on the ground of violation of the terms of bond has been referred to this Bench and this Bench has also formulated the questions which requires an authoritative pronouncement. Since a larger issue is involved in all these cases on the very power and jurisdiction of the Executive Magistrates to impose



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CrI.R.C.No.344 of 2020

WEB COPY

punishment of imprisonment and fine, we are inclined to suspend the order passed by the Executive Magistrate-cum-Deputy Commissioner of Police, Chennai and release the petitioner on bail, by imposing the following conditions:-

(i). The petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Central Prison, Puzhal, Chennai.

(ii). The petitioner shall appear before the respondent Police on every Friday, at 5.30 p.m., until further orders.

(iii). The Superintendent of 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.

(N.S.K.,J) (N.A.V.,J)
30th January 2023

mvs.

N.SATHISH KUMAR,J



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in
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A N D

N.ANAND VENKATESH,J

mvs.

To

1. The Executive Magistrate-cum-Deputy Commissioner of Police,
Ambattur, Chennai
2. The Inspector of Police
T 6 Avadi Police Station
Avadi
Chennai 54.
3. The Public Prosecutor
High Court, Madras
4. The Superintendent of Central Prison
Puzhal
Chennai.

Crl.M.P.No.2586 of 2020
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Crl.R.C.No.344 of 2020

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