



CrI.MP No.3007 of 2023 in
CrI.RC No.390 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.M.P.No.3007 of 2023 in
in
CrI.RC No.390 of 2023

Mr.Prabhu

... Petitioner

Vs.

1.The State rep. by
The Sub-Divisional Administrative Magistrate
and Revenue Divisional Officer,
Mettur.

2.The Inspector of Police,
Mettur Police Station,
Salem District.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the sentence imposed on the petitioner pertaining to the proceedings in N.K.No.7412/2022/T dated 30.12.2022 passed by the first respondent and enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

1 of 6



Crl.MP No.3007 of 2023 in
Crl.RC No.390 of 2023

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For Petitioner

: Mr.W.Camyles Gandhi for Mr.D.Balaji

For Respondents

: Mr.V.Meganathan,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner pertaining to the proceedings in N.K.No.7412/2022/T dated 30.12.2022 passed by the first respondent and enlarge him 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 19.04.2022. He further submitted that, on 30.11.2022, a case in Crime No.195 of 2022 was registered against the petitioner for the offences punishable under Sections 341, 294(b), 307 IPC. The learned counsel also submitted that, 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.MP No.3007 of 2023 in
Crl.RC No.390 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 statement of the petitioner 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



CrI.MP No.3007 of 2023 in
CrI.RC No.390 of 2023

with regard to applicability of section 122(1)(b) Cr.P.C.

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, Salem.

(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.

(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



Crl.MP No.3007 of 2023 in
Crl.RC No.390 of 2023

WEB COPY

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.

01.03.2023

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To

- 1.The Sub-Divisional Administrative Magistrate
and Revenue Divisional Officer,
Mettur.
- 2.The Inspector of Police,
Mettur Police Station,
Salem District.
3. The Superintendent, Central Prison, Salem
4. The Public Prosecutor, High Court, Madras.



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Crl.MP No.3007 of 2023 in
Crl.RC No.390 of 2023

V.SIVAGNANAM, J.

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Crl.M.P.No.3007 of 2023 in
Crl.RC No.390 of 2023

01.03.2023

(1/2)