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Crl.M.P.No.3017 of 2023 in Crl.R.C.No.391 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.3017 of 2023

in

Crl.R.C.No.391 of 2023

Ajith @ Sali Ajith

... Petitioner

Vs.

1.The Executive Magistrate and
Deputy Commissioner of Police,
Office of the Assistant Commissioner,
Washermanpet,
Chennai-600 081.

2.The Inspector of Police,
Law & Order,
H-8, Thiruvotriyur Police Station,
Chennai-600 021.
Respondents

...

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner herein by the 1st respondent in M.P.No.02 of 2023 in M.C.No.452/Sec.Pro/DCPWPT/2022 dated 09.01.2023 and enlarge the petitioner on bail, pending disposal of the



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Criminal Revision Petition.

For Petitioner : Mr.J.Jayan
For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner in M.P.No.02 of 2023 in M.C.No.452/Sec.Pro/DCPWPT/2022 dated 09.01.2023 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.

3. The learned counsel for the petitioner further submitted that now



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the petitioner is detained in prison for violating the bond executed under Section 110 Cr.P.C., as directed by the The Executive Magistrate and Deputy Commissioner of Police, Chennai-600 081. 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 and Deputy Commissioner of Police, Washermanpet, Chennai-600 081, on the complaint by the 2nd respondent police conducted enquiry and thereafter passed the impugned order which is now under challenge.



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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 District Munsif cum Judicial Magistrate, Thiruvottiyur.

(ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the



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learned 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, 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.

11. The Criminal Miscellaneous Petition is ordered accordingly.

02.03.2023

rpl

To

1.The District Munsif cum Judicial Magistrate, Thiruvottiyur.

2.The Executive Magistrate and
Deputy Commissioner of Police,

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Office of the Assistant Commissioner,
Washermanpet,
Chennai-600 081.



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V.SIVAGNANAM, J.,

rpl

3.The Inspector of Police,
Law & Order,
H-8, Thiruvotriyur Police Station,
Chennai-600 021.

4.The Superintendent, Central Prison, Puzhal, Chennai.

5. The Public Prosecutor, High Court of Madras, Chennai.

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