



Crl.MP No.3378 of 2023 in
Crl.RC No.448 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.3378 of 2023
in Crl.RC No.448 of 2023

Vicky @ Vignesh

... Petitioner

Vs.

1.The Executive Magistrate cum
Deputy Commissioner of Police,
Mylapore District.

2. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai-85.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the execution of the order passed against the petitioner on 09.02.2023 in M.P.No.10 of 2023 in Na.Ka.No.681/Nir.Che.Nadu/Ka.Thu/2022, Mylapore District passed by the first respondent and subsequently order to enlarge the petitioner on bail.



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For Petitioner

: Mr.M.Prakash

For Respondents

: Mr.R.Vinothraja

Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the execution of the order passed against the petitioner on 09.02.2023 in M.P.No.10 of 2023 in Na.Ka.No.681/Nir.Che.Nadu/Ka.Thu/2022, Mylapore District passed by the first respondent and subsequently order to 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. dated 10.11.2022. He 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.



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3. When the matter was taken up, the learned Government Advocate (Crl.side) appearing for the respondents objected to release the petitioner on bail.

4. I have considered the submissions made on both side and perused the materials available on record.

5. 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.

6. 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.

7. In such circumstances, since the issues to be decided by the



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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.

8. 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, Puzhal (1), Chennai.

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

9. The Superintendent, Central Prison, Puzhal (1), 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.



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WEB COPY 10. The Criminal Miscellaneous Petition is ordered accordingly.

07.03.2023

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To

- 1.The Executive Magistrate cum
Deputy Commissioner of Police,
Mylapore District.
2. The Superintendent, Central Prison,
Puzhal (1), Chennai.
3. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai-85.
4. The Public Prosecutor, High Court, Madras.

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V.SIVAGNANAM, J.

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