



Crl.MP No.3229 of 2023 in
Crl.RC No.428 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.3229 of 2023 in
in
Crl.RC No.428 of 2023

Ezhil @ Ezhilarasan

... Petitioner

Vs.

State rep. by : Inspector of Police,
Kottakuppam Police Station,
Vanur.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the sentence imposed on the petitioner by the learned Sub Divisional Executive Magistrate, Villupuram vide order dated 15.02.2023 in Ref. No.MC/119/2022 and enlarge him on bail, pending disposal of the above Revision Petition.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Sub Divisional Executive Magistrate,



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Villupuram vide order dated 15.02.2023 in Ref. No.MC/119/2022 and enlarge him on bail, pending disposal of the above 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 10.10.2022. He further submitted that, a case in Crime No.2019 of 2020 was registered against the petitioner for the offences punishable under Sections 147, 148, 341 & 302 IPC. The learned counsel also submitted that, without giving any opportunity to the petitioner, the Sub-Divisional Executive Magistrate/Revenue Divisional Officer, Villuppuram has passed the impugned order, believing the version of the respondent police and sentenced him to undergo imprisonment for the remaining period of bond and the above order is under challenge.

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 respondent and hence, the petitioner may be enlarged on bail till the disposal of this revision.



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4. When the matter was taken up, the learned Govt. Advocate (crl.side) appearing for the respondent 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 Sub-Divisional Executive Magistrate/ Revenue Divisional Officer, Villupuram, 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.

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 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



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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, Cuddalore.

ii) The petitioner shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure his identity; and;

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

10. The Superintendent, Central Prison, Cuddalore 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.



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To

- 1.The Sub-Divisional Executive Magistrate, Villuppuram
2. The Superintendent, Central Prison, Cuddalore
- 3.State rep. by : Inspector of Police,
Kottakuppam Police Station,
Vanur.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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