



Crl.MP No.3424 of 2023 in Crl.RC No.455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.3424 of 2023
in Crl.RC No.455 of 2023

Anthonyraj

... Petitioner

Vs.

1.The Sub-Divisional Magistrate
cum Sub-Collector,
O/o.Sub-Collector,
Nagapattinam District.

2.The Inspector of Police,
Kilaiyur Police Station,
Nagapattinam District.

Respondents

...

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code to suspend the execution of the sentence against the petitioner / accused M.C.No.19/2022/A3 dated 14.02.2023 passed by the first respondent police and enlarge the petitioner on bail.



Crl.MP No.3424 of 2023 in Crl.RC No.455 of 2023

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the execution of the sentence against the petitioner / accused M.C.No.19/2022/A3 dated 14.02.2023 passed by the first respondent police and enlarge the petitioner on bail.

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 14.02.2023. 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.



Crl.MP No.3424 of 2023 in Crl.RC No.455 of 2023

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3. When the matter was taken up, the learned Additional Public Prosecutor 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.



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7. 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.

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, Trichy.

(ii) The petitioner shall affix his photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity

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



Crl.MP No.3424 of 2023 in Crl.RC No.455 of 2023

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9. The Superintendent, Central Prison, Trichy is directed to set the petitioner at liberty, if his further detention is no longer required in connection with any other case or proceedings.

10. The Criminal Miscellaneous Petition is ordered accordingly.

08.03.2023

(1/2)

rna

To

- 1.The Sub-Divisional Magistrate
cum Sub-Collector,
O/o.Sub-Collector,
Nagapattinam District.
- 2.The Inspector of Police,
Kilaiyur Police Station,
Nagapattinam District.
3. The Superintendent, Central Prison,
Trichy.

5/6



Crl.MP No.3424 of 2023 in Crl.RC No.455 of 2023

4. The Public Prosecutor, High Court, Madras.

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V.SIVAGNANAM, J.

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Crl.M.P.No.3424 of 2023
in Crl.RC No.455 of 2023

08.03.2023