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Crl.M.P.No.3610 of 2023 in Crl.RC.No.475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.3610 of 2023

in

Crl.R.C.No.475 of 2023

Rajendra Prasad

...

Petitioner

/vs/

1. The State, represented by
the Sub-Divisional Executive Magistrate
And Revenue Divisional Officer,
Arakkonam.

2. The Inspector of Police,
Prammadhesam Police Station,
Thiruvannamalai District.

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed on the petitioner for offence under section 110 Cr.P.C., in Na.Ka.A1/217/2023 dated 10.02.2023 and enlarge the petitioner on bail on the file of the 1st respondent herein.

For petitioner

... Mr.D.Balaji

For Respondents

... Mr.R. Vinothraja, GA (crl.side)



ORDER

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This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner for offence under section 110 Cr.P.C., in Na.Ka.A1/217/2023 dated 10.02.2023 and enlarge the petitioner on bail on the file of the 1st respondent herein.

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. However, the impugned order has been passed by the 1st respondent for violation of bond under section 110 of Cr.P.C., which is unsustainable. Now it is under challenge. He further submitted that now the petitioner is in prison for violating the condition of the bond executed by the petitioner on 30.12.2022 that he would keep good behaviour from 30.12.2022 to 29.12.2023. Hence he seeks to enlarge the petitioner on bail till the disposal of this revision.

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.

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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 Sub Divisional Administrative Magistrate cum Revenue Divisional Officer, Arakkonam, on the complaint by the 2nd respondent police, conducted enquiry and thereafter passed the impugned order which is now 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 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



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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 Superintendent, Central Prison, Vellore.

(ii)The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Superintendent, Central Prison, Vellore may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity; and;

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

10. The Superintendent, Central Prison, Vellore 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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13.03.2023

To

1. The Superintendent, Central Prison, Vellore
1. The Sub-Divisional Magistrate
And Revenue Divisional Officer,
Arakkonam.
3. The Inspector of Police,
Prammadhesam Police Station,
Thiruvannamalai District.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

VRC

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