



Crl.MP No.3383 of 2023 in
Crl.RC No.451 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.3383 of 2023
in Crl.RC No.451 of 2023

Sarath @ Sarathkumar

... Petitioner

Vs.

1.The Executive Magistrate (Circle) cum
Tahsildhar (North), Coimbatore.
Office of the Tahsildhar (North)
Coimbatore.

2. The State Rep. by
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) and 439 of Criminal Procedure Code to suspend the sentence imposed on the petitioner herein by the first respondent in Na.Ka.No.921/2023/Aa1 dated 27.02.2023 and enlarge the petitioner on bail, pending disposal of the Criminal Revision Petition.



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For Petitioner : Mr.W.Camyles Gandhi

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 herein by the first respondent in Na.Ka.No.921/2023/Aa1 dated 27.02.2023 and 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 10.10.2022. 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.



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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, Coimbatore.

(ii) The petitioner shall affix their 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.



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9. The Superintendent, Central Prison, Coimbatore 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.

07.03.2023
(1/2)

rna

To

1. The Executive Magistrate (Circle) cum
Tahsildhar (North), Coimbatore.
Office of the Tahsildhar (North)
Coimbatore.
2. The Superintendent, Central Prison,
Coimbatore.
3. The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.
4. The Public Prosecutor, High Court, Madras.

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V.SIVAGNANAM, J.

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