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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/1/2023

C O R A M

THE Hon'ble Mr.Justice **N. SATHISH KUMAR**
a n d
THE HONBLE Mr.Justice **N.ANAND VENKATESH**

Crl.M.P.No.15410 of 2022
in
Crl.R.C.No.1391 of 2022

Ilayavanan ... Petitioner

Vs

1. The Executive Magistrate
   -cum-Deputy Commissioner of Police
   Washermenpet District
   Chennai.

2. State
   rep. By The Inspector of Police (L & O)
   H 8 Thiruvottiyur Police Station
   Thiruvottiyur
   Chennai 600 099. ... Respondents

PRAYER : Petition filed under Section 397 (1) of the Criminal Procedure Code, to suspend the sentence and enlarge the petitioner on bail in MP.No.57/2022 in M.C.No.174/Sec.Pro/DCP WPT/2022 on the file of the first respondent Executive Magistrate-cum-Deputy Commissioner of Police,

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Anna Nagar under Section 122 (1) (b) of Cr.P.C., pending disposal of the revision petition.

For Petitioner ... Mr.R.M.Gokulakrishnan

For respondents ... Mr.Hasan Mohammed Jinnah
State Public Prosecutor

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O R D E R

This petition has been filed by the petitioner, to suspend the sentence to be imposed by the Executive Magistrate-cum-Deputy Commissioner of Police/first respondent, in M.P.No.57 of 2022 in M.C.No.174/Sec.Pro/DCP WPT/2022, dated 16/9/2022.

2. Heard the learned counsel appearing on either side.

3. First respondent has passed an order, cancelling the bond executed by the petitioner, on the ground that he has violated the terms of the bond and has directed the petitioner to be detained in the prison.

4. All the cases where such orders are passed to detain, on the ground of violation of the terms of bond has been referred to this Bench and this Bench has also formulated the questions which requires an authoritative

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pronouncement. Since a larger issue is involved in all these cases on the very power and jurisdiction of the Executive Magistrates to impose punishment of imprisonment and fine, we are inclined to suspend the order passed by the first respondent and release the petitioner on bail, by imposing the following conditions:-

(i). The petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Central Prison, Puzhal, Chennai.

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

(iii). The Superintendent of Central Prison, Puzhal, 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.

(N.S.K.,J) (N.A.V.,J)
30th January 2023

mvs.

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N.SATHISH KUMAR,J

A N D

N.ANAND VENKATESH,J

mvs.

To

1. The Executive Magistrate
   -cum-Deputy Commissioner of Police
   Washermenpet District
   Chennai.

2. The Inspector of Police (L & O)
   H 8 Thiruvottiyur Police Station
   Thiruvottiyur
   Chennai 600 099.

3. The Public Prosecutor
   High Court, Madras

4. The Superintendent of Central Prison
   Puzhal
   Chennai.

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