



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the First day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.10616 of 2016

IN

CRL A(MD) No.412 of 2016

1 AROKIYASAMY

2 SELVARAJ

3 JOHNSON

..PETITIONERS/APPELLANTS

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

VALLAM POLICE STATION,

THANJAVUR DISTRICT.

(CRIME NO.219/2014)

..RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence of Imprisonment imposed by the learned I-Additional District and Sessions Judge (PCR), Thanjavur in S.C.No.257 of 2015 by the judgment dated 14.10.2016 and enlarge the petitioners/Appellants on bail pending disposal of the above said Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.KARUNANITHI, Advocate for the petitioner and of Mr.P.KANDASAMY, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The Petitioners / Accused 1 to 3 in S.C.No.257 of 2015, on the file of the I Additional District and Sessions Judge (PCR), Thanjavur, while challenging their conviction and sentence, seek appeal bail under Section 389(1) Cr.P.C.

2. After trial, they have been convicted and sentenced as under:

Conviction	Sentence
Section 325 IPC.	Each 7 years R.I. + Fine Rs.50,000/-, i/d 1 year S.I.

3. The learned counsel for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that there is a delay in despatching the First Information Report to the trial Court and also the bloodstained items were not sent to Chemical Analysis and the Xray report also not produced by the prosecution in respect of the injuries.



4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioners.

5. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the each petitioners shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties each for the like sum each to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur. Out of two sureties, one surety should be the mother of the petitioners 1 & 2 / Accused 1&2. In respect of A3, out of two sureties, one surety should be the mother / grand-mother of A3.

(iii) The petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

01/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), THANJAVUR.
- 2 -do-thro' THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR AT KUMBAKONAM.
- 3 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
- 4 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 5 THE INSPECTOR OF POLICE, VALLAM POLICE STATION,
THANJAVUR DISTRICT.
- 6 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 7 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. C.C. to M/S.M.KARUNANITHI Advocate SR.No.74888

ORDER IN

CRL MP(MD) No.10616 of 2016

IN CRL A(MD) No.412 of 2016

Date : 01/12/2016

PBK/CK/SAR-I 01/12/2016 :: 2P-9C: