



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

Monday, the Sixth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.4158 of 2016

IN

CRL A(MD) No.185 of 2016

YUNISH

... PETITIONER / APPELLANT

Vs

THE STATE

REP. BY THE INSPECTOR OF POLICE

TOWN SOUTH POLICE STATION,

DINDIGUL, DINDIGUL DISTRICT,

Cr.No.482 OF 2011.

... 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 imposed on the Petitioner made in S.C.No.31 of 2013 dated 26.04.2016 by the learned Sessions Judge, Mahalir Neethimandram(FTC) Dindigul and enlarge the Petitioner on BAIL pending disposal of the main 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.N.SATHISH BABU, Advocate for the petitioner and of Mr.P.KANDASAMY, Government Advocate (Crl. Side) on behalf of the Respondent, while admitting the petition this court made the following order:-

While challenging his conviction and sentence in S.C.No.31 of 2013, on the file of learned Additional Sessions Judge, Mahalir Neethi Mandram (FTC), Dindigul, the petitioner seeks appeal bail under Section 389(1) Cr.P.C.

2.After the trial of multiple charges, the petitioner/A1 has been convicted under Section 498-A I.P.C. and sentenced to 3 years S.I. and fined Rs.5,000/-, i/d 6 months S.I. He has paid the fine amount.

3.According to the learned counsel for the petitioner, there are very many infirmities in the appreciation of evidence by the trial Court. There is prima-facie case in favour of the petitioner and he will not abscond.



4. On the other hand, the learned Government Advocate (Criminal side) submitted that there is clear cut evidence, based on which the petitioner has been rightly convicted. The petitioner has no prima-facie case.

5. I have anxiously considered the rival submissions, perused the impugned judgment and also referred to relevant evidence. I am of the view that certain arguable points are involved in this Criminal Appeal. Further, the petitioner was on bail in the trial Court. I see prima-facie case in his favour. I am inclined to grant him appeal bail.

7. It is ordered as under:

(1) Appeal bail granted.

(2) Sentence of imprisonment alone is suspended.

(3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) each to the satisfaction of learned Additional Sessions Judge, Mahalir Neethi Mandram (FTC), Dindigul.

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

sd/-

06/06/2016

/ TRUE COPY /

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

TO

1. THE ADDITIONAL SESSIONS JUDGE,
MAHALIR NEETHI MANDRAM (FTC), DINDIGUL
2. THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT,
3. THE GOVERNMENT ADVOCATE (Crl.side),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.N.SATHISH BABU Advocate SR.No.27949

ORDER IN
CRL MP(MD) No.4158 of 2016 IN
CRL A(MD) No.185 of 2016
Date :06/06/2016

sj

SH/ARK-PV/SAR-III:07.06.2016:2P/5C

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