



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

Wednesday, the Eighth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.4339 of 2016

IN

CRL A(MD) No.193 of 2016

SAM STALIN

..PETITIONER/APPELLANT

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

THATTARMADAM POLICE STATION,

TUTICORIN DISTRICT.

CR.NO.26/2014

..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 imposed by the Principal Sessions Court, Thoothukudi passed in S.C.No.221 of 2014 dated 3.11.2015 pending disposal of the Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.ALAGAPPAN, 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 petitioner, who has been convicted and sentenced by the learned Principal Sessions Judge, Thoothukudi in S.C.No.221 of 2014 seeks appeal bail.

2.In the trial Court, the appellant was convicted and sentenced as under:

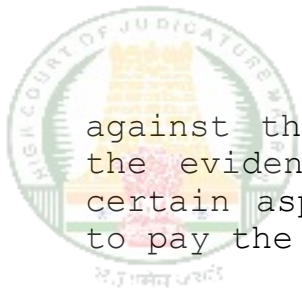
Conviction	Sentence
Section 4 of Prevention of Damages to the Public Property Act	2 year R.I. plus fine Rs.32,000/- i/d 3 months RI
Section 506(ii) I.P.C.	1 year R.I.

Both the sentences were directed to run concurrently. Fine amount not paid. Now the accused is lodged in Central Prison, Palayamkottai.

3.The appellant is said to have set fire to the properties of the defacto complainant. It is an alleged case of mischief by fire.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the appellant would submit that the prosecution has thoroughly failed to establish the guilt alleged as



against the accused beyond all reasonable doubts. In appreciating the evidence the trial Court fell into error. It had overlooked certain aspects, which it should not have done. He also seeks time to pay the fine amount.

5. On the other hand, the learned Government Advocate (Criminal side) would submit that the conviction recorded by the trial Court is perfectly correct and it requires no disturbance.

6. 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 at the main criminal appeal. It will take some time for the disposal of this Criminal Appeal. Further, the petitioner was on bail in the trial Court. I see prima facie case. 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 Principal Sessions Judge, Thoothukudi.

(4) Within 30 days from the date of release of the petitioner, he shall pay the fine amount in the trial Court and he will file a copy of the fine receipt in the Registry.

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

(6) The petitioner be enlarged on bail only if he is no longer required detention in connection with any other case or proceedings.

sd/-

08/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI.

2 THE GOVERNMENT ADVOCATE (CRL.SIDE),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, THATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.

+1. C.C. to M/S M.ALAGAPPAN Advocate SR.No.28657

ORDER IN

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IN

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Date :08/06/2016