



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5580 of 2016
IN
CRL A(MD) No.255 of 2016

LINGAM

... APPELLANT/ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
CR. NO.58/2010

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence execution of sentence by granting bail in S.C. No.134/2012 dated 30.6.2106 on the file of the Fast Track Mahila Court, Kanyakumari At Nagercoil, Kanyakumari District till the disposal of the Crl.A.

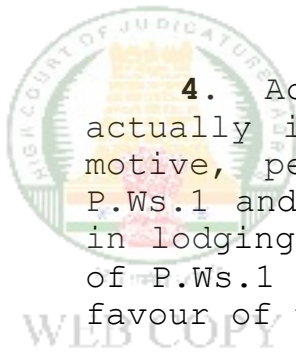
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S K.PRABHU, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate on behalf of the Respondent while admitting the Criminal Appeal, the court made the following order:-

A1 in S.C.No.134 of 2012, on the file of the learned Additional Sessions Judge, Fast Track Mahila Court, Nagercoil, while challenging his conviction and sentence, seeks appeal bail under Section 389 Cr.P.C.

2. After trial, the accused has been convicted and sentenced as under:

Conviction	Sentence
Section 436 I.P.C.	3 Years R.I. + fine Rs.8,000/-, i/d 3 Months S.I.

3. Fine amount has been paid. Now, the petitioner has been lodged in Central Prison, Palayamkottai.



4. According to the learned counsel for the petitioner, actually it is a case of accidental fire, however, due to prior motive, petitioner has been implicated in this case. In fact, P.Ws.1 and 3 are not ocular witnesses. There is perceptible delay in lodging the F.I.R. In the facts and circumstances, the evidence of P.Ws.1 and 3 cannot be relied on. There is *prima facie* case in favour of the petitioner.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced the Trial Court has rightly convicted and appropriately sentenced the petitioner. There is no *prima facie* case in his favour.

6. 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. I see *prima facie* case in favour of the petitioner. I am inclined to grant him appeal bail.

7. Ordered as under:

- (i) Appeal bail granted.
- (ii) His sentence of imprisonment alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil.
- (iv) 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/-
12/07/2016

/ TRUE COPY /

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



TO

1. THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
NAGERCOIL.
2. THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

+1. C.C. to M/S K.PRABHU Advocate SR.No. 35682

ORDER
IN
CRL MP (MD) No.5580 of 2016
IN
CRL A (MD) No.255 of 2016
Date :12/07/2016

KRK

TE/NGM-MP/SAR-III : 12/07/2016 : 3P/7C