



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5640 of 2016

IN

CRL A(MD) No.261 of 2016

1 K.MOORTHY

2 M.BALACHANDAR

3 M.RAJESHKANNA

... PETITIONERS/APPELLANTS

Vs

1 THE ASSISTANT COMMISSIONER OF POLICE,  
LAW AND ORDER, THALLAKULAM RANGE, MADURAI

2 THE INSPECTOR OF POLICE  
D2 SELLUR POLICE STATION, MADURAI.

CR. NO.457/2013

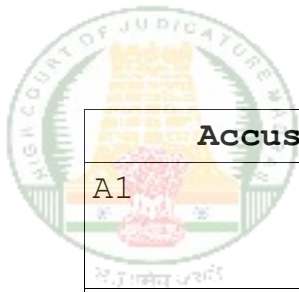
... RESPONDENTS/RESPONDENTS

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 III Additional District and Sessions Judge, PCR Cases Madurai in Spl.S.C. No.41 of 2014 by the judgement dated 14.6.2016 enlarge the petitioners/appellants on bail pending disposal of the above said 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 P.GUNASEKARAN, Advocate for the petitioner and of MR.P.KANDASAMY Government Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

A1 to A3 in the Special Sessions Case in Spl.S.C.No.41 of 2014 on the file of the Special Judge under SC / ST (PA) Act / III Additional Sessions Judge, Madurai, while challenging their conviction and sentence, seek appeal bail under Section 389 Cr.P.C.

2.In the said Court, they were convicted and sentenced as under:



| Accused   | Conviction      | Sentence                                          |
|-----------|-----------------|---------------------------------------------------|
| A1        | Section 324 IPC | 12 months R.I. + fine Rs.1000/-, i/d 1 month S.I. |
| A2<br>(i) | Section 341 IPC | 1 month S.I. & fine Rs.500/-, i/d 7 days S.I.     |
| (ii)      | Section 324 IPC | 12 month R.I. & fine Rs.1000/-, i/d 1 month S.I.  |
| A3<br>(i) | Section 341 IPC | 1 month S.I. & fine Rs.500/-, i/d 7 days S.I.     |
| (ii)      | Section 324 IPC | 12 month R.I. & fine Rs.1000/-, i/d 1 month S.I.  |

3.The sentences of A2 and A3 were directed to run concurrently. Fine amounts were paid.

4.According to the learned counsel for the petitioners, the evidence of P.W.1 is such that he cannot be believed. There is inconsistency between the oral and medical evidence. Prosecution has failed to prove the guilt, alleged as against the accused beyond all reasonable doubts. There is prima facie case in their favour.

5.The learned Government Advocate (Crl.side) submitted that appreciating the evidence adduced the Trial Court has rightly convicted and appropriately sentenced the petitioners. There is no prima facie case in their favour.

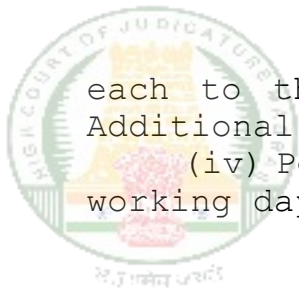
6.In the facts and circumstances, perusing the impugned judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this Criminal Appeal. They are required to be examined in detail at the main Criminal Appeal. Further, it will take some time for the disposal of this Criminal Appeal. Further, the petitioners were on bail inn the Trial Court. I see prima facie case in favour of the petitioners. I am inclined to grant them appeal bail.

7.Ordered as under:

(i) Appeal bail granted.

(ii) Their sentence of imprisonment alone is suspended.

(iii) There shall be two sureties, they and the petitioners shall execute a bond for Rs.15,000/- (rupees fifteen thousand only)



each to the satisfaction of the learned Judicial Magistrate, III Additional Sessions Judge (PCR Cases), Madurai.

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

sd/-

14/07/2016

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WEB COPY

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

To

1.The III Additional Sessions Judge (PCR Cases), Madurai.

2.The Addl Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

3.The Assistant Commissioner of Police,  
(Law and Order),  
Thallakulam Range, Madurai.

4.The Inspector of Police,  
D2 Sellur Police Station, Madurai.

+1cc to Mr.P.GUNASEKARAN, Advocate Sr.No. 36599

AA/GSV-PM/SAR-I/19.07.2016/3p-6c

ORDER

IN

CRL MP(MD) No.5640 of 2016

IN

CRL A(MD) No.261 of 2016

Date :14/07/2016