



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.7051 of 2016

IN

CRL A(MD) No.294 of 2016

KARUPPASAMY NADAR

... PETITIONER / APPELLANT

Vs

THE STATE BY

THE DEPUTY SUPERINTENDENT OF POLICE,

SATHANKULAM SUB DIVISION,

THOOTHUKUDI DISTRICT.

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge him on bail by suspending the sentence imposed on him by the II Additional District and Sessions Judge, Tirunelveli in SC No. 91 of 2014 dated 22.07.2016 pending disposal of the above Crl.A.

Order : This petition coming on for admission upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.D.VENKATESH, Advocate for the petitioner and of Mr.P.KANDASAMY, Government Advocate, on behalf of the Respondents, while admitting the Crl.A., this court made the following order:-

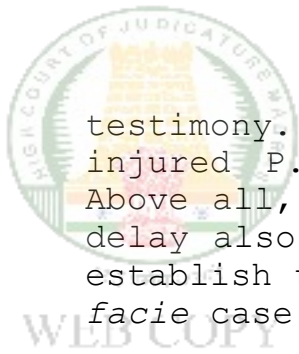
The sole accused in S.C.No.91 of 2014, on the file of the learned II Additional Sessions Judge, Tirunelveli, while challenging his conviction and sentence, seeks appeal bail under Section 389 Cr.P.C.

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

Conviction	Sentence	Compensation
Section 326 I.P.C.	3 Years R.I.	Rs.3,50,000/- to P.W.8 & Rs.1,50,000/- to P.W.9, i/d 18 Months S.I.
Section 324 I.P.C.	2 Years R.I.	

3. Both the sentences were directed to run concurrently.

4. The learned counsel for the petitioner submitted that inasmuch as P.Ws.1 to 7 are closely related and their evidence is also not consistent, it is too hazardous to act upon their



testimony. Further, F.I.R. was lodged by P.W.1, when especially the injured P.Ws.8 and 9 were conscious enough to lodge the F.I.R. Above all, there is inordinate delay in lodging the F.I.R., and the delay also remains unexplained. Further, prosecution had failed to establish the charges beyond all reasonable doubts. 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. Further, the petitioner was on bail in the Trial Court. 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, Sathankulam.
- (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/-

17/08/2016

/ TRUE COPY /

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

TO

1 THE II ADDL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE
SATHANKULAM



3 THE DEPUTY SUPERINTENDENT OF POLICE,
SATHANKULAM SUB DIVISION, THOOTHUKUDI DISTRICT.

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

WEB COPY

+1. C.C. to M/S.D.VENKATESH Advocate SR.No.45209

ORDER
IN
CRL MP (MD) No.7051 of 2016
IN
CRL A (MD) No.294 of 2016
Date :17/08/2016

krk
SH/SK-SKN/SAR-I:18.08.2016:3P/6C