



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

Thursday, the Twenty Eighth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice P.R.SHIVAKUMAR
and

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.841 of 2016

IN

CRL A(MD) No.294 of 2015

SUBBU @ SUBRAMANI

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
E PUDUR POLICE STATION,
TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT,
CRIME NO.189 OF 2012.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the Petitioner on bail by SUSPENDING THE SENTENCE imposed upon them in S.C NO. 195 of 2013 on the file of the Learned Principal Sessions Judge , Tiruchirappalli, Tiruchirappalli District dated 13.08.2014 pending disposal of the main Crl. A. No.294 of 2015 on the file of this Honourable Court and thus render justice.

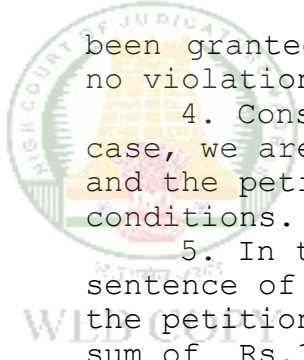
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S N.ANANDAKUMAR, Advocate for the petitioner and of MR.C.RAMESH, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

(Order of the Court was made by V.S.RAVI, J.)

This is an application filed by the petitioner/first accused to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Tiruchirappalli, in S.C.No.195 of 2013, by a judgment dated 13.08.2014 and enlarge him on bail.

2. It is specifically pointed out in the grounds of appeal that the Trial Court is not correct in convicting the petitioner as the First Information Report has been registered belatedly and also reached the concerned Court very belatedly and no explanation has been given on the side of prosecution. Further, there are lot of contradictions between the deposition of the ocular witnesses. To establish the same, the learned counsel for the petitioner has relied upon the deposition of the prosecution witnesses. Further, the learned counsel for the petitioner reported that medical evidence does not support the prosecution case.

3. On a careful perusal of the entire records, it is seen that there are arguable points available in the present Appeal and there is a *prima facie* case to consider the petition to suspend the sentence imposed by the learned Principal Sessions Judge, Tiruchirappalli. Furthermore, there is no possibility for taking up the present Appeal in the near future, for final hearing, since number of appeals are pending. Further, it is also reported that the petitioner has



been granted bail during the trial proceedings and also, there has been no violation of conditions.

4. Considering the above mentioned facts and circumstances of the case, we are of the view that the substantive sentences can be suspended and the petitioner shall be directed to be released on bail, with conditions.

5. In the result, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tiruchirappalli with a further condition that after such release, the petitioner shall appear before the committal Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-

28/01/2016

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL DISTRICT SESSIONS JUDGE, TRICHY.
- 2 THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 5 THE INSPECTOR OF POLICE, E PUDUR POLICE STATION, TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S N.ANANDAKUMAR Advocate SR.No.5038

SML

CSL/SK-SKN/SAR-II/29.01.2016/2P/9C

ORDER

IN

CRL MP(MD) No.841 of 2016

IN

CRL A(MD) No.294 of 2015

Date :28/01/2016