

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.10112 of 2017

IN CRL A.494/2017

1 RAMACHANDRAN
2 PARTHIBAN
3 NATARAJ REDDY

[APPELLANTS / ACCUSED]

Vs

STATE REP.BY,
INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
ARMABAKKAM,
THIRUVALLUR DISTRICT.
CR.NO. 249 OF 2013.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.494/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners by the learned Principal District and Sessions Judge, Thiruvallur, made in S.C.No.309 of 2014 dated 28.07.2017 and enlarge the petitioners on bail pending disposal of the above CRL A.494/2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.494/2017 on the file of the High Court and upon hearing the arguments of M/S.T.R.RAVI, Advocate for the petitioner and of MR. K.MATHAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioners are A3, A12 and A49 respectively in S.C.No.309 of 2014 on the file of the Principal District Sessions Judge, Thiruvallur. The petitioners along with 46 others faced trial for the offences under Section 147 r/w 149, 148 r/w 149, 336 r/w 149, 353 r/w 149 of IPC and Section 3(1) of Tamil Nadu Public Property (Damages and Loss) Act. After full trial, the petitioners alone were convicted and sentenced to undergo three months simple imprisonment each for the offence under Section 336 IPC; one year Rigorous Imprisonment each for the offence under Section 353; one year Rigorous Imprisonment each for the offence under Section 3(1) of Tamil Nadu Public Property (Damages and Loss) Act and to pay a fine of Rs.1,500/- each, in default to undergo three months Rigorous Imprisonment each. Aggrieved by the said judgment of conviction and

sentence, the petitioners have preferred the Appeal. The present petition has been filed for the grant of bail by suspending the sentence.

2. The learned counsel appearing for the petitioner would submit that the Trial Court has already suspended the sentence and the petitioners have raised several arguable points in the Appeal and that therefore, it is a fit case for the grant of bail, pending disposal of the Appeal.

3. The learned Government Advocate (Crl. Side) has not raised any objection.

4. I have perused the judgment of the Trial Court and the grounds taken in the Appeal. The Trial Court has disbelieved the case of the prosecution as against the other 46 accused. Having regard to these circumstances, I am inclined to suspend the substantive sentence alone, subject to the following condition.

5. The substantive sentence of imprisonment imposed on the petitioners by the Trial Court alone is hereby suspended till the disposal of the appeal and the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.5,000/- each [Rupees Five thousand only] with two sureties each for a like sum to the satisfaction of the learned Principal District Sessions Judge, Thiruvallur within a period of two weeks from the date of receipt of a copy of this order and further condition that the petitioners shall report before the said Court on first working day of every month at 10.30 a.m. until further orders.

-sd/-
18/08/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVALLUR.

4 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
ARMABAKKAM,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.T.R.RAVI Advocate on payment of necessary
charges SR NO.15727

Order

in
CRL MP.10112/2017

in
CRL A.494/2017

Date :18/08/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:21/08/2017