

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.11138 of 2017

IN CRL A.559/2017

1 CHANDRU
2 PRAKASH
3 RAMESH

[APPELLANTS / ACCUSED 5 & 7, 8]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CUDDALORE O.T POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.167 OF 2016).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.559/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners herein by the Learned I Addl District & Sessions Judge, Cuddalore S.C.No.179 of 2016 dated 28.07.2017 and enlarge the petitioner on bail pending disposal of the above CRL A.559/2017 [IN CRL.MP.NO.11138 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.559/2017 on the file of the High Court and upon hearing the arguments of M/S.A.ARASU GANESAN, Advocate for the petitioner and of MR. K.MATHAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This is a petition to suspend the sentence imposed on the petitioners by the I Additional District and Sessions Judge, Cuddalore in S.C. No.179 of 2016 on 28.07.2017 and to enlarge the petitioners on bail.

2 The petitioners, who were accused 5,7 and 8 in S.C. No.179 of 2016 before the I Additional District and Sessions Judge, Cuddalore, were convicted for various terms of imprisonment, the maximum being 3 years of imprisonment.

3 Initially, the petitioners were charged for the offence under Section 302 IPC. But, the Trial Court has acquitted them in respect of that charge and has convicted them under Sections 324 and 148 IPC. The State has not preferred any appeal against their

acquittal for the said charge.

4 It is the case of the prosecution that the victims came in search of their son to the house of Velayutham (A2) and at that time, they were attacked.

5 The learned counsel for the petitioners submitted that the medical evidence does not corroborate the oral testimony of the injured witnesses.

6 Per contra, the learned Government Advocate (Crl. Side) refuted the contentions put forth by the learned counsel for the petitioners.

7 The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover, the petitioners have been in incarceration from the date of the judgment, viz., 28.07.2017. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

8 Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the I Additional District and Sessions Judge, Cuddalore, and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the I Additional District and Sessions Judge, Cuddalore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioners shall appear before the trial Court on the first working day of every month until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

-sd/-
22/12/2017

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 I ADDITIONAL DISTRICT &
SESSIONS COURT, CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,
CUDDALORE O.T POLICE STATION,
CUDDALORE DISTRICT.

+1C.C. to M/S.A.ARASU GANESAN Advocate on payment of necessary
charges SR NO.23265

Order

in
CRL MP.11138/2017

in
CRL A.559/2017

Date :22/12/2017

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

MK:22/12/2017