

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.9694 of 2017

IN CRL A.468/2017

THANGAVEL

[PETITIONER]

Vs

STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
GOBICHETTIPALAYAM SUB DIVISION,
KADATHUR POLICE STATION,
CR.NO. 221 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.468/2017 on the file of the High Court, the High Court will be pleased to suspend the imposed in spl. S.C.No.140 of 2016 on the file of the learned special court for SC & ST (Prevention of atrocitites) act 1989 (Principal Sessions Court), Erode dated 25.07.2017 and enlarge the petitioner on bail till the disposal of the above said CRL A.468/2017 [IN CRL.MP.NO.9694 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.468/2017 on the file of the High Court and upon hearing the arguments of M/S.K.M.SUBHERAMANIAM, 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 accused in Special Sessions Case No.140 of 2016 on the file of the Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Erode is the petitioner herein. He was convicted and sentenced to undergo Simple Imprisonment for a period of 4 years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of 3 months for the offence under Section 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015; and to undergo simple imprisonment for a period of one and half years (18 months) and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months for the offence under Section 324 of IPC r/w 3(2)(va) of SC/ST (Prevention of Strocities) Amendment Act, 2015. Aggrieved by the judgment of conviction and sentence, he has preferred an appeal. Pending appeal, he has filed this petition for the grant of bail by suspending the sentence.

2. The learned Government Advocate (Crl. Side) informed the victim about this proceedings and he has not raised any serious objection, as the petitioner has been convicted to a fixed period of sentence of 4 years. He further informed that the victim has no objection to the plea for bail.

3. I have perused the judgment of the Trial Court and the grounds taken in the appeal. As has already been noticed, the petitioner has been sentenced to a fixed period of 4 years and he has paid the fine amount. There is no fear that he will flee from justice. The appeal is not likely to be disposed of within a short period. Having regard to these circumstances, I am inclined to suspend the substantive sentence alone, subject to the following condition.

4. The substantive sentence of imprisonment imposed on the petitioner by the Trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.5,000/- [Rupees Five thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Gobichettipalayam, within a period of two weeks from the date of receipt of a copy of this order.

-sd/-
29/08/2017

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 SPECIAL COURT FOR
SC & ST [PREVENTION OF ATROCITIES] ACT 1989
[PRINCIPAL SESSIONS COURT[ERODE.

2 THE JUDICIAL MAGISTRATE,
NO.II, GOBICHETTIPALAYAM.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE DEPUTY SUPERINTENDENT OF
POLICE, GOBICHETTIPALAYAM SUB DIVISION,
KADATHUR POLICE STATION, EORDE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.K.M.SUBHERAMANIAM Advocate on payment of
necessary charges SR NO.16411

Order

in
CRL MP.9694/2017

in
CRL A.468/2017

Date :29/08/2017

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

MK:29/08/2017