



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

Wednesday, the Twelfth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.3129 of 2017
IN
CRL A (MD) No.115 of 2017

JEYAKODI

... PETITIONER/ PETITIONER

Vs

1 STATE: THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR SUB-DIVISION,
MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.33/2013)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Spl.S.C.No.67/2015 dated 21/03/2017 on the file of the III Additional District and Sessions Court (PCR) Madurai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.KANNAN, Advocate for the petitioner and of M/S. P.KANDASAMY, Government Advocate on behalf of the Respondents the court made the following order:-

The petitioner / accused in Spl.S.C.No.67 of 2015 on the file of the III Additional District and Sessions Court (PCR), Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.,

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

Conviction	Sentence
Section 354 of IPC	3 years R.I. + Fine Rs.2,000/-, i/d 1 month S.I.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Fine amount has been paid.



4.The learned counsel for the petitioner submitted that the petitioner was on bail during trial and the trial court has also convicted the accused for the above said offence.

5.Against the order of the conviction, the present appeal has been preferred and filed the impugned application seeking suspension of sentence of imprisonment. The trial Court was also suspended the sentence for one month from the date of judgment I.e., on 21.03.2017. The petitioner is having certain arguable points in this appeal and also is having prima facie case in favour of the petitioner herein.

6. The learned Government Advocate (Criminal Side) submitted that the trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution and the appellant is not having any prima facie case in this appeal. Further, the learned Government Advocate (Crl.side) has not raised serious objection since the trial Court has suspended the sentence for limited period.

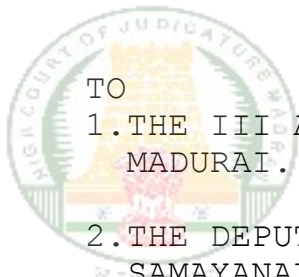
7.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

8. 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. He is 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 trial Court has suspended the sentence till 21.04.2017, by which, the necessity to consider this petition arises. On considerations, ordered as under:

- (i) Appeal bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned III Additional District and Sessions Court (PCR), Madurai.
- (iii) 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/-
12/04/2017

/ TRUE COPY /



TO

1. THE III ADDITIONAL DISTRICT AND SESSIONS COURT (PCR),
MADURAI.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR SUB-DIVISION,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.V.KANNAN Advocate SR.No.20076

ORDER
IN
CRL MP (MD) No.3129 of 2017
IN
CRL A (MD) No.115 of 2017
Date :12/04/2017

MS/KKR/SAR.4/18.04.2017/3P.6C