



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

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.9859 TO 9861 of 2016
IN
CRL A(MD) No.120 of 2016

SELVAM ... APPELLANT/ACCUSED NO.2
IN CRL MP(MD)NO.9859/2016 IN CRL A(MD)NO.120/2016

LAKSHMANAKUMAR ... APPELLANT/ACCUSED NO.3
IN CRL MP(MD)NO.9860/2016 IN CRL A(MD)NO.120/2016

SARAVANAMUTHU ... APPELLANT/ACCUSED NO.1
IN CRL MP(MD)NO.9861/2016 IN CRL A(MD)NO.120/2016

Vs

STATE REPRESENTED BY,
DEPUTY SUPERINTENDENT OF POLICE
THOOTHUKUDI TOWN SUB DIVISION,
THALAMUTHU NAGAR POLICE STATION,
CR.NO.332 OF 2013
THOOTHUKUDI DISTRICT.

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

PRAYER IN CRL MP(MD)NO.9859/2016 IN CRL A(MD)NO.120/2016 :

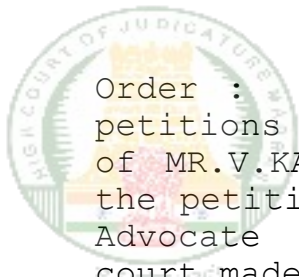
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the Execution of sentence by granting bail in S.C.No.158 of 2014 dated 15.03.2016 on the file of the learned IInd Additional District and Sessions Judge, Tirunelveli, Tirunelveli District till the disposal of the Criminal Appeal.

Prayer in CRL MP(MD). 9860/ 2016 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the Execution of sentence by granting bail in S.C.No.158 of 2014 dated 15.03.2016 on the file of the learned IInd Additional District and Sessions Judge, Tirunelveli, Tirunelveli District till the disposal of the Criminal Appeal.

Prayer in CRL MP(MD). 9861/ 2016 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the Execution of sentence by granting bail in S.C.No.158 of 2014 dated 15.03.2016 on the file of the learned IInd Additional District and Sessions Judge, Tirunelveli, Tirunelveli District till the disposal of the Criminal Appeal.



Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.V.KATHIRVELU, SENIOR COUNSEL FOR M/S.K.PRABHU, Advocate for the petitioner in all the petitions and of MRS.S.PRABHA, Government Advocate (Crl.Side) for the Respondent in all the petitions the court made the following order:-

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The petitioners/Accused 1 to 3 in S.C.No.158 of 2014, dated 15.03.2016 on the file of the learned II Additional District and Sessions Judge, Tirunelveli, Tirunelveli District while challenging the conviction and sentence, seeks appeal bail under Section 389 (i) Cr.P.C.

2. After trial, the petitioners/accused have been convicted and sentenced as under:

Conviction	Sentence
Section 354(B) IPC	7 years R.I and fine of Rs.1,00,000/- in default to undergo S.I for 18 months
Section 342 IPC	1 year R.I and fine of Rs.1000/- in default to undergo 2 months S.I.

Against which, the present appeal is filed.

3. The learned counsel for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.

4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioners.

5. 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. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Now the petitioners were confined at Central Prison, Palayamkottai, by which the necessity to consider this petition arises. On considerations, this Court ordered as under:

(i) Appeal bail granted.

(ii) Substantive sentence alone is suspended on condition that the petitioners shall execute a separate bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate No.2, Thoothukudi.



(iii) Petitioners shall appear before the Trial Court once in a week i.e. on every Monday at 10.30 a.m. until further orders.

sd/-
30/01/2017

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

cm
TO

- 1 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI,
TIRUNELVELI DISTRICT
- 2 THE JUDICIAL MAGISTRATE NO.2, THOOTHUKUDI
- 3 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 4 DEPUTY SUPERINTENDENT OF POLICE
THOOTHUKUDI TOWN SUB DIVISION,
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 6 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

+3. C.C. to M/S.K.PRABHU Advocate SR.Nos.4762,4763,4764

GJM/CM/MSA/SAR-2-31.1.17-3p-10c

ORDER
IN
CRL MP (MD) No.9859 to
9861 of 2016
IN
CRL A (MD) No.120 of 2016
Date :30/01/2017