

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.10571 of 2018

CRL.A.NO.477 OF 2018

PERIYASAMY

[PETITIONER / APPELLANT]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
IRUMBULIKURITCHI POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.41 OF 2016.

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence and grant bail to the petitioner/appellant for the conviction and sentence imposed in S.C.No.74 of 2016 dated 18.06.2018 on the file of the Principal District and Sessions Court, Ariyalur pending disposal of the above said CRL.A.NO.477 OF 2018 [IN CRL.MP.NO.10571 OF 2018]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.GANDHI KUMAR, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **C.T.SELVAM, J**)

Petitioner/A1 was convicted for offence u/s. 302 & 326 IPC and sentenced to undergo Life imprisonment and fine of Rs.3,000/- i/d Six months S.I for offence u/s 302 IPC and 5 years R.I and fine of Rs.3,000/- i/d 6 months S.I for offence u/s 326 IPC by learned Principal District and Sessions Judge, Ariyalur, under judgment dated 18.06.2018 in S.C.No.74 of 2016. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Ariyalur and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the evidence of the prosecution

witnesses. Learned counsel submits that fine amount has not been paid by the petitioner.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that the petitioner has been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Jayankondam and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-
13/11/2018

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
JAYANKONDAN.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
IRUMBULIKURITCHI POLICE STATION,
ARIYALUR DISTRICT.

5 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ARIYALUR.

6 THE SUPERINTENDENT,
CENTRAL PRISON, ARIYALUR.

+1C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary
charges SR NO.21272

Order

in
CRL.MP.10571 OF 2018

in
CRL.A.NO.477 OF 2018

Date :13/11/2018

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

MK:14/11/2018



WEB COPY