

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.11330 of 2017

IN CRL A.571/2017

PRABAKARAN,

[PETITIONER]

Vs

STATE BY
THE INSPECTOR OF POLICE,
ANNAMALI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.81 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.571/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of under Sec.306 IPC 7 years Rigorous Imprisonment and fine of Rs.5000/- in default to undergo simple Imprisonment for 3months, imposed by the sessions Judge, Magalir Court, Coimbatore in S.C.No.241/2013 and to enlarge the appellant on bail pending disposal of this appeal.[CRL.MP.NO.11330 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.571/2017 on the file of the High Court and upon hearing the arguments of M/S.J.STALIN, Advocate for the petitioner and of Mrs.T.P.SAVITHA Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.241 of 2013 on the file of the learned Sessions Judge, Magalir Neethimandram, Coimbatore Trial Court under Judgment dated 24.03.2015 convicted the petitioner for the offence under Section 306 of IPC and sentenced him to undergo seven years R.I. and to pay a fine of Rs.5,000/- in default, to undergo 3 months S.I. Hence, this miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. He would further submit that now the petitioner is in Central Prison, Coimbatore.

3. The learned Govt. Advocate (Crl.side) would strongly object for granting bail to the petitioner.

4. Taking into consideration the submissions of learned counsel for the petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

5. Considering the nature of incarceration in jail for the past three years, this Court is inclined to grant bail to the petitioner. 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 No.I, Pollachi, Coimbatore and on further condition that the petitioner shall appear before the respondent police once in a week i.e., on every Monday at 10.00 a.m. pending appeal.

-sd/-
21/03/2018

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY
THE INSPECTOR OF POLICE,
ANNAMALI POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

C.C. to M/S.J.STALIN Advocate on payment of necessary charges

Order

in
CRL MP.11330/2017

in
CRL A.571/2017

Date :21/03/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 21/03/2018