

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C.T.SELVAM

AND

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.12237 of 2018

in

CRL A.560/2018

1 ANNAMALAI
2 SEKAR

[PETITIONERS/APELLANTS/
ACCUSED (4&5]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT
CR.NO.538 OF 2003.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.560 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.34 of 2005 dated 12.04.2018 passed by the 1st Additional District and Sessions Judge, Salem and enlarge the Petitioners on bail pending disposal of the above Crl.A.No.560 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No. 560 of 2018 on the file of the High Court and upon hearing the arguments of M/S.R.SANKARASUBBU, Advocate for the petitioners and of MR.R.PRATHAP KUMAR 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**)

Petitioners were convicted by learned I Additional District and Sessions Judge, Salem, under judgment dated 12.04.2018 in S.C.No.34 of 2005 and sentenced them as follows:-

Accused	Sections of Law	Sentence
1 st Petitioner/A4	148, 302 r/w 149, 302 IPC	6 months R.I for offence u/s 148 IPC and Life Imprisonment and fine of Rs.5,000/- i/d 6 months S.I. For offence u/s 302 r/w 149 IPC (2 counts)
2 nd petitioner/A5	148, 302 IPC	6 months R.I for offence u/s 148 IPC and Life Imprisonment and fine of Rs.5,000/- i/d 6 months S.I. For offence u/s 302 IPC

Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners are confined at Central Prison, Coimbatore, and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. Learned counsel further submits that the petitioners have paid the fine amount.

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

4. Considering the facts and circumstances of the case and in view of the fact that the petitioners have 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 petitioners, 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 petitioners herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of 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 I Additional District and Sessions Judge, Salem, and on further condition that the

petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

08/10/2018

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 IST ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT

+1C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary charges SR.NO. 18844

Order

in
CRL MP.12237/2018

in
CRL A.560/2018

Date :08/10/2018

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

cm 09/10/2018