

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

THE HON'BLE THIRU JUSTICE P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.4053 of 2018

IN CRL A.167/2018

SANTHOSH

[PETITIONER / APPELLANT / ACCUSED]

Vs

INSPECTOR OF POLICE

[RESPONDENT]

B6 PEELAMEDU POLICE STATION,

COIMBATORE DISTRICT.

CR.NO.528 OF 2015

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.167/2018 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed in SC No.218/2016 dated 23.11.2017 on the file of Special Sessions Court for Bomb Blast Cases at Coimbatore, II Additional District and Sessions Court (CBI Cases) Coimbatore pending disposal of CRL A.167/2018 [IN CRL.MP.NO.4053 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.167/2018 on the file of the High Court and upon hearing the arguments of MR.C.V.KUMAR Advocate for M/S.T.MURUGANANTHAM, Advocate for the petitioner and of M/S.M.PRABHAVATHI GANESH RAM ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed seeking to suspend the sentence imposed by the trial Court in the Judgment, dated 23.11.2017, made in S.C.No.218 of 2016, on the file of the II Additional District and Sessions Court, Coimbatore.

3.The petitioner/accused has been convicted to undergo RI for 10 years and to pay a fine of Rs.1000/-, in default to undergo 3 months SI for the offence under Section 304[I] of IPC.

4.Learned counsel for the petitioner/accused contends that the petitioner had been on bail through out the trial. P.W.2-Veeramani and Karthik, who were all inmates along with the accused and deceased, have not stated that the accused is the assailant, when they gave statement before the Investigating Officer and the

petitioner is an engineering student and is having fair chance of getting acquittal in the appeal.

5.Learned Additional Public Prosecutor *inter alia* argued that the prosecution through acceptable evidence, proved its case and the accused was convicted under Section 304[I] of IPC. If the petitioner is released on bail by suspending the sentence, he may abscond and the appeal will be pending unnecessary.

6.Considering the fact that the appellant/petitioner had been on bail through out the trial and that he is an engineering student and is also facing exam in coming months, according to the learned counsel for the petitioner and the age of the petitioner, this Court is inclined to suspend the sentence imposed by the trial Court. Accordingly, the substantive sentence of imprisonment alone is suspended on executing a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.VI, Coimbatore 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 till the disposal of the revision.

-sd/-
05/04/2018

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 II ADDITIONAL DISTRICT
AND SESSIONS COURT, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
B6 PEELAMEDU POLICE STATION, COIMBATORE
DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE SPECIAL SESSIONS COURT,
FOR BOMB BLAST CASES, COIMBATORE.

7 THE II ADDITIONAL DISTRICT AND
SESSIONS COURT [CBI CASES] COIMBATORE.

+1C.C. to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR NO.6635

Order

in
CRL MP.4053/2018

in
CRL A.167/2018

Date :05/04/2018

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

MK:05/04/2018