

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Ninth 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.16719 of 2017

in CRL.A.No.785 of 2017

VINOD KUMAR @ VINOD

[PETITIONER/APELLANT]

Vs

STATE BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
P-6, KODUNKAIYUR POLICE STATION,
CHENNAI.

CRIME NO.817 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.785 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner dated on 07.08.2017 in S.C.No.178/2013 (on the file of the XV Additional Sessions court, Chennai) and release the petitioners on bail till the disposal of the CRL.A.No.785 of 2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.785 of 2017 on the file of the High Court and upon hearing the arguments of M/S.P.PUGALENTHI, Advocate for the petitioner 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**)

Petitioner was convicted for offence u/s. 302 IPC and sentenced to undergo Life imprisonment and fine of Rs.15,000/- i/d 6 months S.I by learned XV Additional Sessions Judge, Chennai, under judgment dated 07.08.2017 in S.C.No.178 of 2013. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison-I, Puzhal, Chennai 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.

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 XV Additional Sessions Judge, Chennai 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/-

29/10/2018

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 XV ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON - I, PUZHAI,
CHENNAI

4 THE INSPECTOR OF POLICE,
P-6, KODUNKAIYUR POLICE STATION,
CHENNAI

+`C.C. to M/S.P.PUGALENTHI Advocate on payment of necessary
charges SR.NO.20273

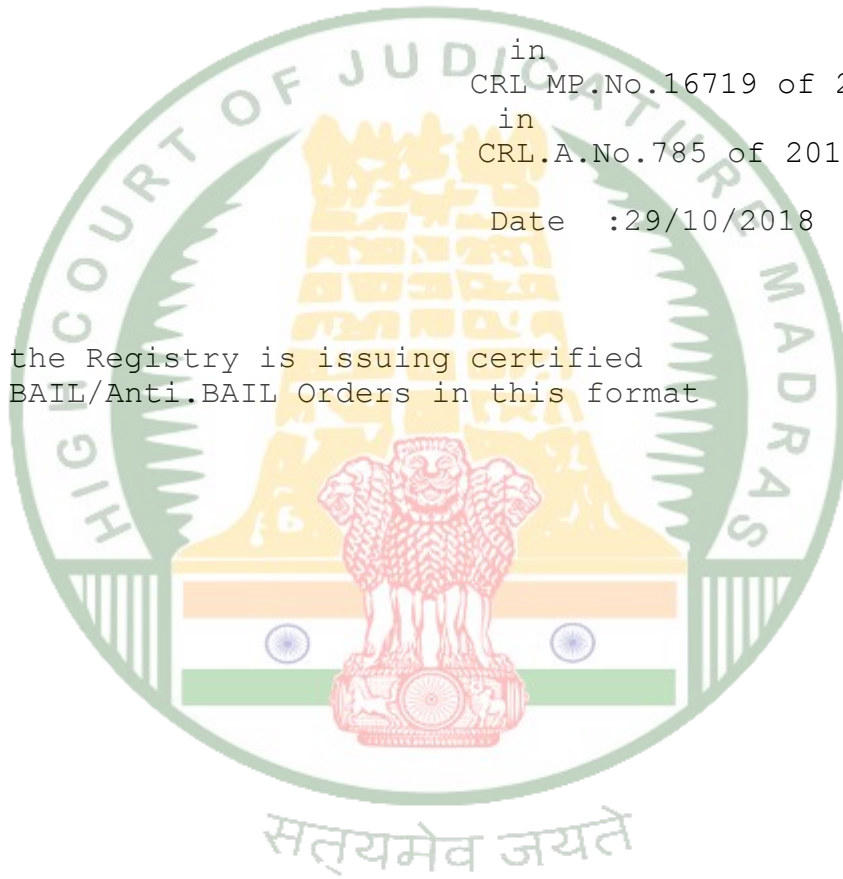
Order

in
CRL MP.No.16719 of 2017
in
CRL.A.No.785 of 2017

Date :29/10/2018

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

cm 30/10/2018



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