

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth 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.15174 of 2018

& CRL.A.NO.669 OF 2018

RAMESH

[PETITIONER / APPELLANT]

Vs

THE STATE BY INSPECTOR OF POLICE, [RESPONDENT]
SHEVAPET POLICE STATION,
SALEM CITY,
CR.NO.785 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.669 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 12.06.2017 passed in SC No.12 of 2015 on the file of I Additional District and Sessions Judge, Salem and enlarge the petitioner on bail pending disposal of the above CRL.A.NO.669 OF 2018 [IN CRL.MP.NO.15174 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.669 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.R.NALLIYAPPAN, 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 was convicted offence under section 147 IPC, 10 years RI and fine of Rs.2,000/- i/d 6 months SI for an offence under section 449 IPC, double life imprisonment and fine of Rs.5,000/- each (Totally Rs.10,000) i/d six months SI for an offence under section 302 IPC, 10 years (2 Counts) and fine of Rs.5,000/- each (Totally Rs.10,000) i/d six months SI for an offence under section 396 (2 Counts).

2. Learned counsel for petitioner would submit that the petitioner is 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 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 I Additional District and Sessions Judge, Salem 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/-
19/11/2018

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.

TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM CITY.

+1C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR NO.21834

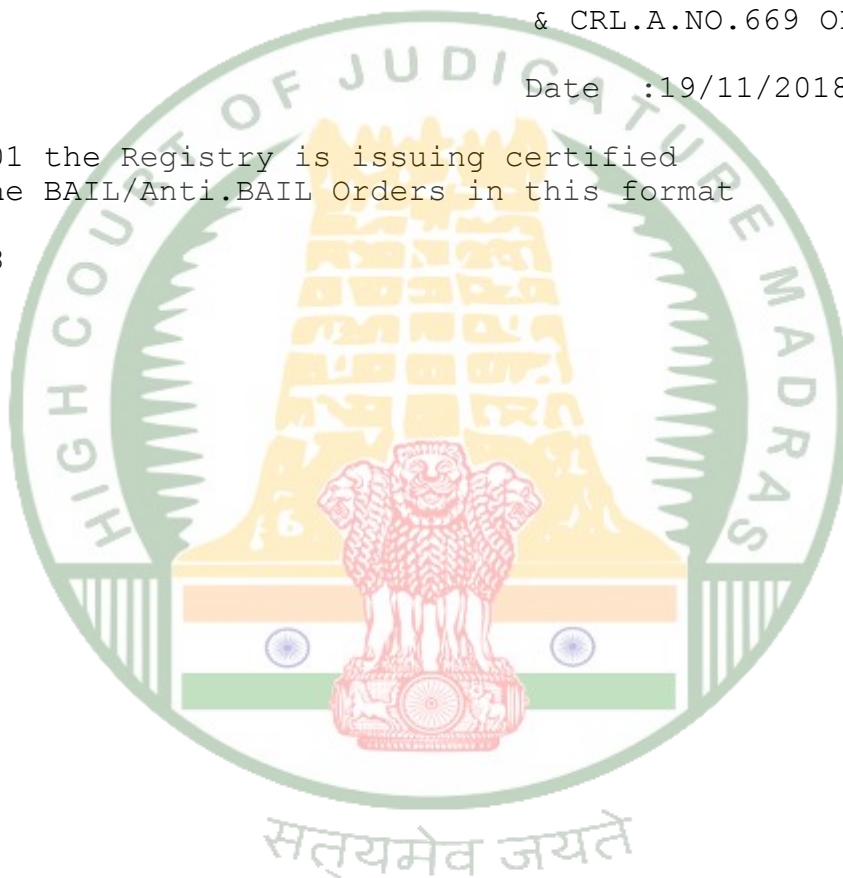
Order

in
CRL MP.15174/2018
& CRL.A.NO.669 OF 2018

Date :19/11/2018

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

MK:20/11/2018



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