

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.15923 of 2018

IN CRL.A.NO.450 OF 2018

VEDIPU RAJESH @ RAJESH [PETITIONER / APPELLANT]

Vs

THE STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CR.NO.11/2016)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.450 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the order of sentence passed in SC.No.128/2017 dated 19.06.2018 by the learned Principal Session Judge, Krishnagiri and grant bail to the petitioner pending disposal of the above CRL.A.NO.450 OF 2018 [IN CRL.MP.NO.15923 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.450 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.V.NICHOLAS, 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**)

Petitioners/Accused was convicted for offence u/s. 302 IPC and sentenced to undergo Life imprisonment and fine of Rs.2,000/- in default three months rigorous imprisonment by the learned Principal Sessions Judge, Krishnagiri under judgment dated 19.06.2018 in S.C.No.128 of 2017. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the evidence of the prosecution

witnesses. Learned counsel submits that fine amount has 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 that even according to the prosecution death occurred owing to a single injury to the back of the head of an aged person, 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 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 the petitioners 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.II, Krishnagiri and on further condition that the petitioner shall report before the respondent police daily at 5.30 P.M for a period of eight (8) weeks, thereafter, the petitioner shall appear before the said Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-

11/12/2018

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 PRINCIPAL SESSION
JUDGE, KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1C.C. to M/S.V.NICHOLAS Advocate on payment of necessary
charges SR NO.23719

Order

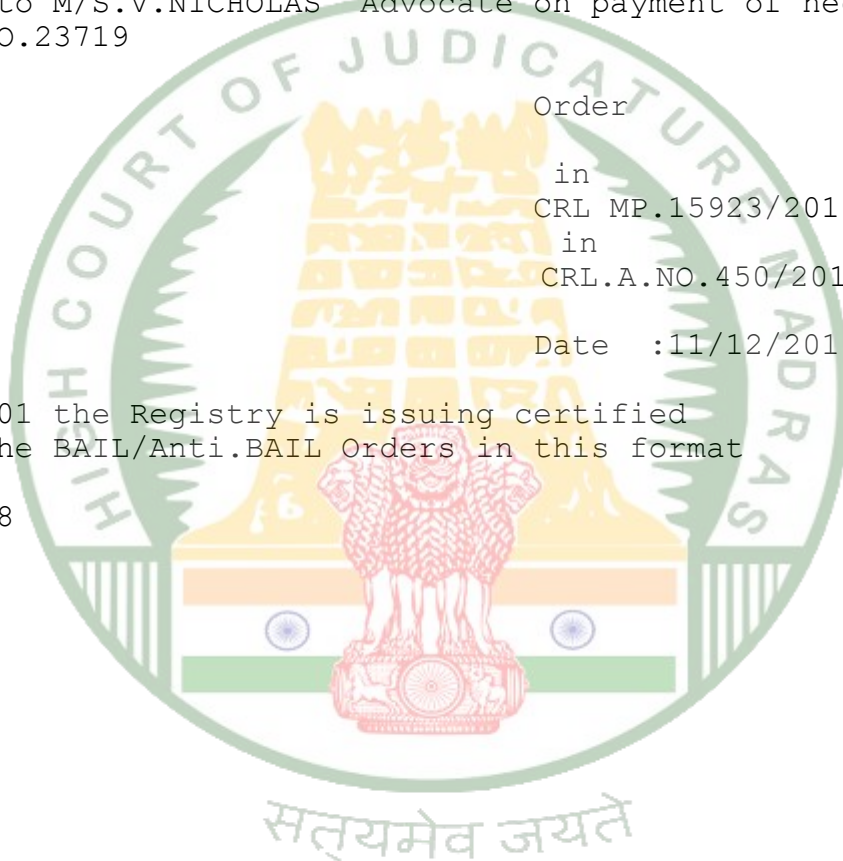
in
CRL MP.15923/2018

in
CRL.A.NO.450/2018

Date :11/12/2018

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

MK:12/12/2018



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