

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.16344 of 2018

IN CRL.A.NO.405 OF 2018

M.VELU

[PETITIONER / APPELLANT]

Vs

THE STATE OF TAMILNADU

[RESPONDENT]

REP. BY THE INSPECTOR OF POLICE,
B-2, ESPLANADE POLICE STATION,
CHENNAI-600 001.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.405 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.402 of 2013 on the file of the VI Addl.Sessions Judge, City Civil Court, Chennai dated 22.10.2017 and enlarge on bail of the petitioner, pending disposal of the main CRL.A.NO.405 OF 2018 [IN CRL.MP.NO.16344 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.405 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.C.K.M.APPAJI, 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/A3 was convicted for offence u/s. 302 r/w 34 of IPC and sentenced to undergo Life imprisonment and fine of Rs.1,000/- and in default to undergo rigorous imprisonment for a period of one year by the VI Additional Sessions Judge, Chennai, under judgment dated 22.12.2017 in S.C.No. 402 of 2013. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Puzhal 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 position that the co-accused in the said case has been granted bail by this Court in CrI.MP.No.1824 of 2018 in CrI.A.No. 79 of 2018 and also 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 VII Metropolitan Magistrate, George Town, 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/-

11/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE VI ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI.

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3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
B-2, ESPLANADE POLICE STATION,
CHENNAI-600 001.

+1C.C. to M/S.C.K.M.APPAJI Advocate on payment of necessary
charges SR NO.23846

Order

in

CRL MP.16344/2018

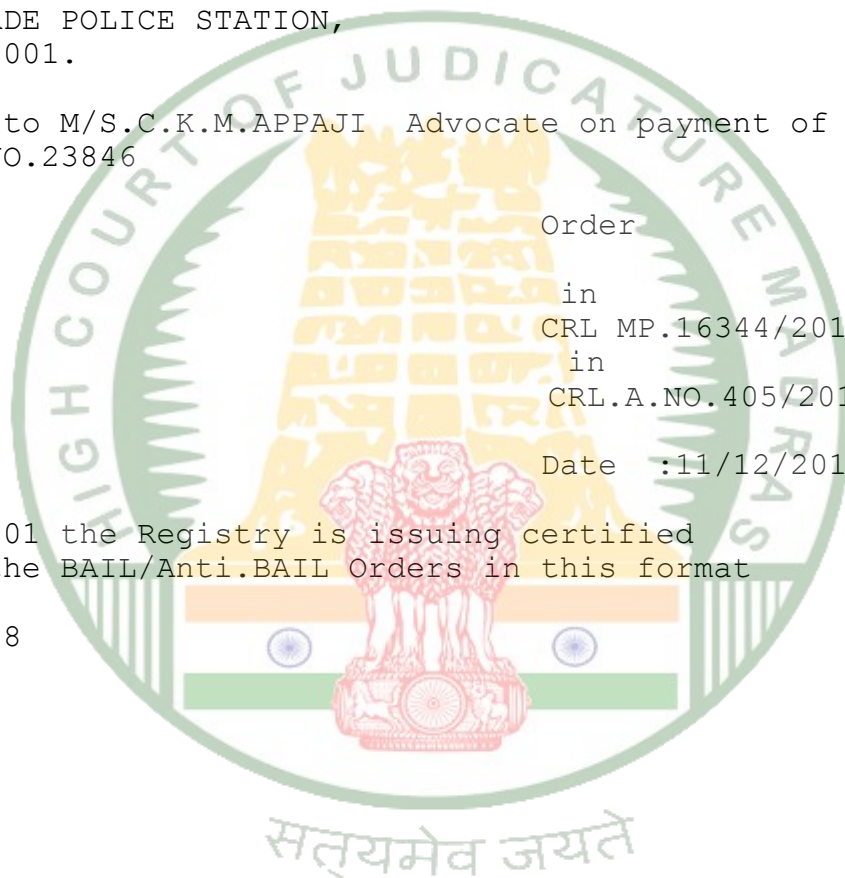
in

CRL.A.NO.405/2018

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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