



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1785 of 2018
IN
CRL A (MD) No.117 of 2018

MURUGESAN

... PETITIONER/APPELLANT/
SINGLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE, DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR CIRCLE, SHOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.116 OF 2015)

... RESPONDENT/RESPONDENT/
COMPLAINANT

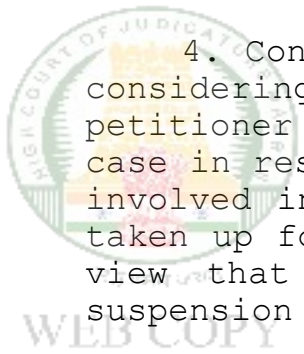
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned III Additional District and Sessions Judge (PCR) Madurai in Spl.S.C.No.25 of 2016 dated 15.02.2017 and enlarge him on bail pending disposal of the Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.MOHAN, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent while admitting WP the court made the following order:-

It is seen that the petitioner has been convicted by the learned Third Additional District and Sessions Judge (PCR), Madurai, in Special S.C.No.25 of 2016 for the offence under Section 354 of the Indian Penal Code and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo three months simple imprisonment, by judgment dated 15.02.2018.

2. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount and the Trial Court in Crl.M.P.No.243 of 2018 has suspended the sentence under Section 389 (3) Cr.P.C., till 15.03.2018.

3. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.



4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Third Additional District and Sessions Judge (PCR), Madurai, and on further condition that:

- (i) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-

08/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
MADURAI.
- 2 THE INSPECTOR OF POLICE, DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR CIRCLE, SHOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.T.MOHAN Advocate SR.No.3701

ORDER IN
CRL MP(MD) No.1785 of 2018 IN
CRL A(MD) No.117 of 2018
Date :08/03/2018