



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Dr.Justice S.VIMALA
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI
CRL MP (MD) No.464 of 2018
IN
CRL A (MD) No.264 of 2016

SIVARANJITH
(NOW CONFINED IN CENTRAL PRISON,
MADURAI) ... PETITIONER/APPELLANT/ACCUSED-1

Vs

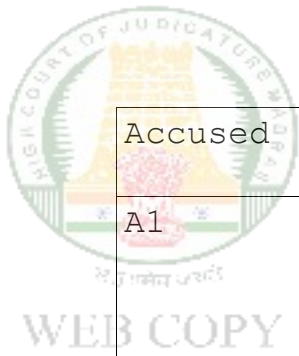
THE STATE REP BY
THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.306 OF 2013) ... RESPONDENT/RESPONDENT/COMPLAINANT

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 in S.C.No. 53 of 2015 dated 18.04.2016 passed by the learned Principal Sessions Judge, Virudhunagar at Srivilliputtur and enlarge the petitioner on bail pending disposal of main Crl.App. (MD).No. 264 of 2016

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VEERA KATHIRAVEN, Senior Counsel for M/S.M.RAMESH, Advocate for the petitioner and of MR.K.S.DURAI PANDIAN, Additional Public Prosecutor for the Respondent and M/S.K.PRABHU, Advocate for defacto Complainant, the court made the following order:-

(Order of the Court was made by **S.VIMALA, J**)

The petitioner/appellant is the accused No.1 in S.C.No.53 of 2015 on the file of the Principal Sessions Judge, Virudhunagar at Srivilliputhur. He has been convicted and sentenced as follows:



Accused	Penal provisions	Punishment
A1	364(A) IPC	To undergo imprisonment for life and to pay a fine of Rs.3,000/- in default to undergo rigorous imprisonment for one year
A1	302 IPC	To undergo imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for one year
A1	201 IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month

Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.

2. We have heard the learned counsel for the petitioner, the learned counsel for the de-facto complainant and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. The learned senior counsel would contend that the petitioner's father is in death bed and hence, the petitioner's application for suspension of sentence may be considered.

4. However, the said fact has been disputed by the learned counsel for the de-facto complainant and the learned Additional Public Prosecutor for the State. Therefore, when the matter was taken up for hearing on 24.01.2018, this Court passed the following order:

"The discharge summary, dated 19.01.2018, issued by the Velammal Hospital, Madurai in respect of the father of the petitioner/prisoner, is relied upon by the learned counsel for the petitioner, while contending that the father of the prisoner is in death bed. This factum is disputed by the prosecution. The Inspector of Police would submit that the father of the petitioner is very well ambulatory and he is not in death bed.

2. Under such circumstances, the Residence Medical Officer, viz., Babuji, who is the head of Rajapalayam Government Hospital is required to visit the house of Balakrishnan, the father of the petitioner/prisoner and to file a report with reference to the Medical condition of the patient/father of the petitioner, viz a

<https://hcservices.pcourtstnive/hcservices> discharge summary dated 19.01.2018 by tomorrow (25.01.2018). A copy of the discharge summary and all the medical records of the patient be made available to the Medical



Officer, Rajapalayam Government Hospital. In addition to that, the Medical Officer shall also examine the patient and file a report.

3. Post the matter on 25.01.2018."

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5. Today, (25.01.2018), when the matter was taken up, a report has been produced by the Medical Officer, Government Hospital, Rajapalayam, which reveals that the contention of the petitioner that the petitioner's father is critical, is true.

6. The learned Additional Public Prosecutor would submit that there are already cases pending against the petitioner, and therefore, he cannot be released on bail.

7. The learned counsel for the de-facto complainant would submit that there are other sons to look after the father and therefore, the claim of the petitioner need not be considered.

8. May be it is true that there may be other sons but the longing of this son/petitioner to see his father, if declined, would deprive him of the last opportunity to see his father. Therefore, the petitioner must be granted interim bail.

9. However, considering the objection raised by the learned Additional Public Prosecutor, this Court is not inclined to grant the relief of suspension of sentence, but, however, considering the urgency and emergency, this petitioner is granted only interim bail.

10. The diligence with which the report has been given by the Doctor deserves appreciation of this Court.

11. Considering the critical condition of the father of the petitioner/appellant, the petitioner is granted interim bail for one week, ie., from 26.01.2018 to 01.02.2018. Accordingly, the Superintendent of Prison, Central Prison, Madurai, is directed to release the petitioner, after obtaining a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only). The Petitioner/appellant shall surrender before the Prison authorities on 02.02.2018 before 5.00 p.m.

12. Post the matter on 02.02.2018.

sd/-
25/01/2018

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TO

1 THE PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTTUR

2 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR

4 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/SM.RAMESH Advocate SR.No.1308

GJM/PM/PN/SAR-1-25.1.18-4P-8C

ORDER
IN
CRL MP (MD) No.464 of 2018
IN
CRL A (MD) No.264 of 2016
Date :25/01/2018