

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.1019 of 2018

IN CRL A.652/2017

1 KUTTIMANI @ ANBARASU [PETITIONER / APPELLANTS]
2 ARIVI @ ARIVAZHAGAN @ ARAVINDHARAJ

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
CR.NO.587 OF 2012

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.652/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed against the Petitioners/Appellants 1 and 2 in the Judgment dated 14.09.2017 in Sessions Case No.161 of 2013 on the file of the II Additional District and Sessions Judge, Salem and enlarge them on bail pending disposal of the above CRL A.652/2017 [IN CRL.MP.NO.1019 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.652/2017 on the file of the High Court and upon hearing the arguments of M/S.S.KALYANARAMAN, Advocate for the petitioner and of 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/A1 and A2 along with 4 others faced trial in S.C.No.161 of 2013 on the file of learned II Additional District and Sessions Judge, Salem. Under judgment dated 14.09.2017, trial Court convicted petitioners/A1 and A2 for offences u/s.148, 341 and 302 IPC and each of them sentenced to 2 years R.I. for offence u/s.148 IPC, 1 month S.I. for offence u/s.341 IPC and life imprisonment and fine of Rs.1,000/- i/d 6 months S.I. Seeking suspension of sentence passed against them, petitioners have moved the present petition.

2. Learned counsel for petitioners would submit that petitioners are 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 material particulars in the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

4. Considering the facts and circumstances as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioners herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of 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 learned Judicial Magistrate II, Salem and on further condition that petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

08/02/2019

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.

सत्यमेव जयते

TO

1 THE IIND ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.2, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION.

+1C.C. to M/S.S.KALYANARAMAN Advocate on payment of necessary
charges SR NO.2862

Order

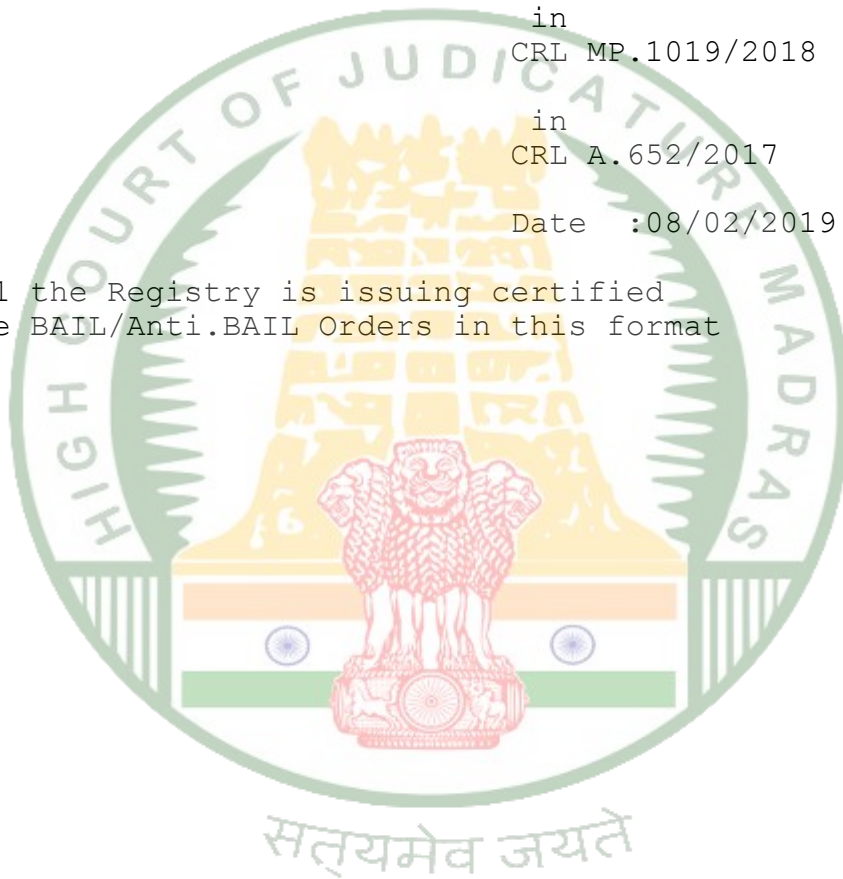
in
CRL MP.1019/2018

in
CRL A.652/2017

Date :08/02/2019

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copies of the BAIL/Anti.BAIL Orders in this format

MK:11/02/2019



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