

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.4124 of 2019

IN CRL.A.NO.151 of 2019

VELLAIRAJA @ RAJENDRAN

[PETITIONER/APELLANT]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
TIRUPPUR DISTRICT
CR.NO.456 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed in the Judgment dated 04.01.2019 in S.C.No.12 of 2016 on the file of the Learned 1st Additional and Sessions Judge, Tiruppur and release the Petitioner on bail pending Crl.A.No.151 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.EZHILARASI, Advocate for the petitioner, and of M/S.E.MALARKODI, Advocate for the petitioner, and of MR.G.RAMAR GOVERNMENT ADVOCATE, on behalf of the Respondent, the court made the following order:-

The petitioner has been convicted in S.C.No.12 of 2016 on the file of the Additional District and Sessions Court No.I, Tiruppur on 04.01.2019 for the offence under Section 304(I) IPC and has been sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment.

2. Challenging the conviction and sentence, the petitioner has filed the above appeal and also seeks suspension of sentence and bail.

3. Heard Ms.M.Ezhilarasi, learned counsel for the petitioner and Mr.G.Ramar, learned Government Advocate (Crl Side) for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>

4. On reading the trial Court judgment, it is seen that the deceased had died in a scuffle with the accused and no weapon was used in the attack.

5. Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case 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.

6. 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 Additional District and Sessions Judge No.I, Tiruppur and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Additional District and Sessions Judge may obtain a copy of their Aadhaar 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 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/-

18/07/2019

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.

TO

1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE NO.I, TIRUPPUR.

2 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUPPUR DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

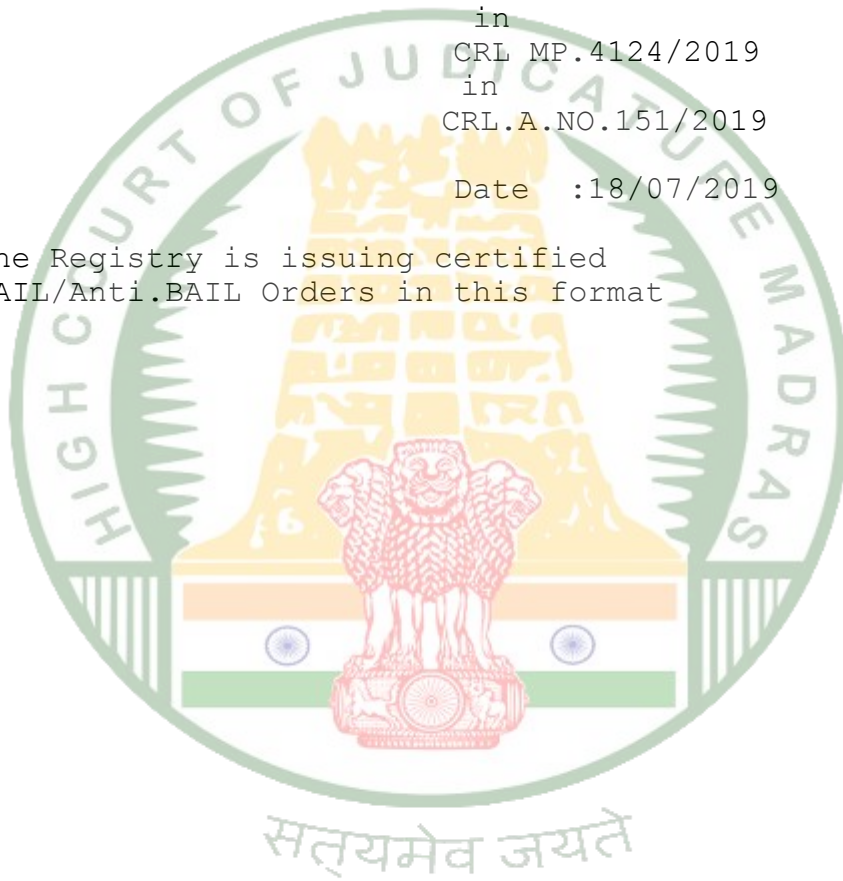
+1 C.C. to M/S.M.EZHILARASI Advocate on payment of necessary
charges SR.NO.14920

Order

in
CRL MP.4124/2019
in
CRL.A.NO.151/2019
Date :18/07/2019

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

TA-22/07/2019



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