

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION NO.11890 OF 2019

IN CRL.A.NO.542 OF 2019

PERIYASAMY

[PETITIONER / APPELLANT / ACCUSED]

vs

STATE REP.BY

[RESPONDENT]

THE ASSISTANT COMMISSIONER OF POLICE,

(LAW AND ORDER),

SOUTH RANGE,

SALEM CITY.

CR.NO.11 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.542 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence imposed on the petitioner through judgment dated 30.07.2019 passed in SC.No.306 of 2015 on the file of the learned Special Judge/Principal District and Sessions Judge, Salem and release him on bail pending disposal of the above CRL.A.NO.542 OF 2019 [IN CRL.MP.NO.11890 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.542 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.S.JEYAKUMAR, Advocate for the petitioner and of MR. G.RAMAR, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 30.07.2019 passed in S.C.No.306 of 2015 on the file of the Principal District and Sessions Court, Salem and to enlarge the petitioner on bail.

2. The petitioner, who was an accused in S.C.No.306 of 2015 before the Principal District and Sessions Court, Salem, was convicted of the offences under Section 417 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to undergo various terms of imprisonment, the maximum being one year rigorous imprisonment.

3.Challenging the same, the petitioner has filed the above appeal and suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount and the Trial Court has suspended the substantive sentence of imprisonment under Section 389 (3) Cr.P.C. for a period of one month.

5. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is directed to be released on bail on 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 Principal District and Sessions Court, Salem.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Court, Salem, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) 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.

सत्यमेव जयते -sd/-
26/08/2019

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE ASSISTANT COMMISSIONER OF POLICE,
(LAW AND ORDER), SOUTH RANGE,
SALEM CITY.

+1C.C. to M/S.S.JEYAKUMAR Advocate on payment of necessary
charges SR NO.17671

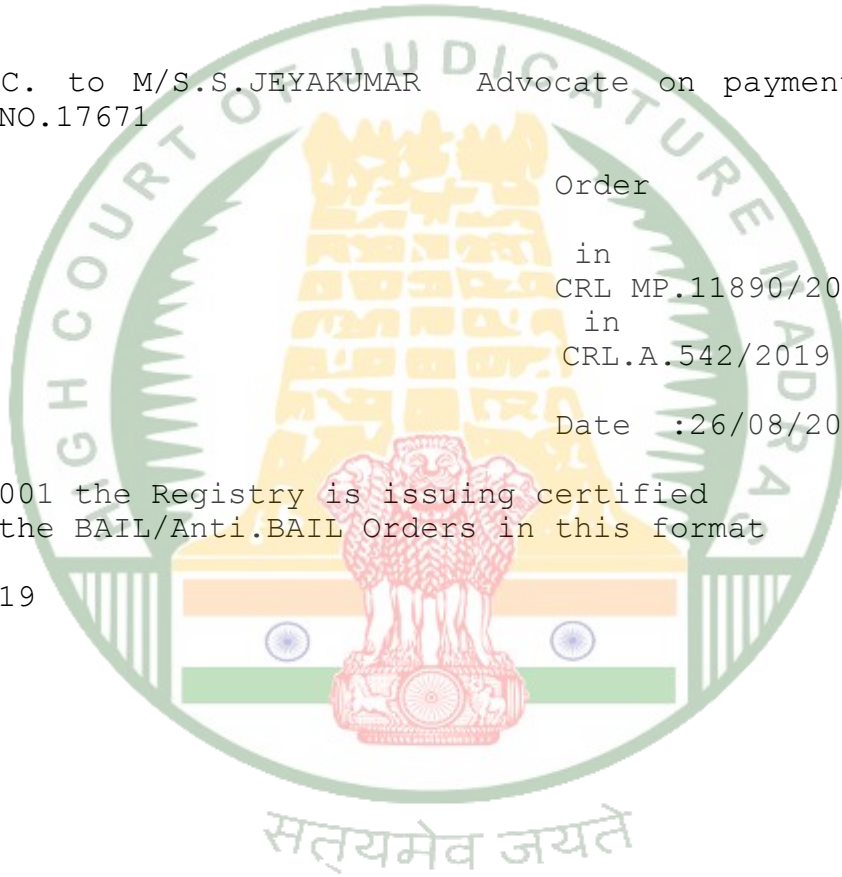
Order

in
CRL MP.11890/2019
in
CRL.A.542/2019

Date :26/08/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MK:30/08/2019



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