



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

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.7084 of 2019
IN CRL A(MD) No.356 of 2019

MALABAR @ SHAJAHAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT

... RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Enlarge the Petitioner /appellant on bail by suspending the sentence imposed on him by judgment dated 31.05.2019 in S.C NO. 75 of 2017 on the file of the Additional Sessions Judge, Karur Pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SURESH, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the alleged offences under Sections 449 and 394 IPC sentenced to under go rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a further period of one month in S.C.No.75 of 2017, on the file of the learned Additional Sessions Judge, Karur.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there



is no infirmity in the prosecution case and prays for dismissal of this petition.

4.This Court has carefully considered the rival contentions put forward by their side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.II, Kulithalai and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Trichy daily twice morning at 10.30 a.m., and evening 05.00 p.m., pending appeal.

sd/-
27/08/2019

/ TRUE COPY /

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

TO

1. THE ADDITIONAL SESSIONS JUDGE,
KARUR.
2. THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
4. THE JUDICIAL MAGISTRATE, TRICHY.
5. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



6. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

7. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.

8. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.SURESH Advocate SR.No.14101

ORDER IN
CRL MP(MD) No.7084 of 2019
IN CRL A(MD) No.356 of 2019
Date :27/08/2019

MS/VR/SAR-2/27.08.2019/3P.10C