

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.1704 of 2020

IN CRL A.86/2020

NESARI POO

[PETITIONER / APPELLANT/ ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
G-2 PUDUMUND POLICE STATION,
IN CR.NO.83/2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.86/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed in S.C.No.21/2017, dated 03.09.2019, by the Learned Sessions Judge, Udhagamandalam, Nilgiris, and enlarge her on bail, pending disposal of the CRL A.86/2020 [IN CRL.MP.NO.1704 OF 2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.86/2020 on the file of the High Court and upon hearing the arguments of M/S.K.V.SRIDHARAN, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

By judgment dated 03.09.2019 passed by the learned Sessions Judge, Udhagamandalam, Nilgiris, in S.C.No.21 of 2017, the petitioner was convicted for the offence under Section 3(1) of TNPP (Damage and Loss) Act and under Sections 294 (b), 506(ii) and 295 (A) IPC; and sentenced her to undergo one year simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months simple imprisonment for the offence u/s.3(1) of the TNPPDL Act, sentenced to undergo one month simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo two weeks simple imprisonment for the offence u/s.294(b) IPC, sentenced to undergo six months simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo two months simple imprisonment for the offence u/s.506(ii) IPC, sentenced to undergo six months simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo two months simple imprisonment for the offence u/s.295(A) IPC. Aggrieved over the same, the petitioner has filed the Criminal appeal along with the present petition seeking suspension of

2. This Court vide order dated 19.02.2020, directed the petitioner to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of S.C.No.21/2017 before the trial Court and produce a receipt to that effect.

3. Today, when the matter is taken up for consideration, the learned counsel for the petitioner/accused submitted that the order of this Court dated 19.02.2020 has been complied by the petitioner and he has also produced a receipt to that effect. It is further submitted that there are several infirmities and inconsistencies in the prosecution case. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

4. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

5. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute 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 Judicial Magistrate, Ooty;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The petitioner / accused shall appear before the trial court at 10.30 a.m. on the first working day of every English Calendar Month, until the disposal of this criminal appeal and if she is not able to appear before the Trial Court on any day, due to unavoidable circumstances, she shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of her absence, as directed by the Trial Court. Such an application shall not be entertained often.
- d) The Trial Court shall redeposit the amount of Rs.1,00,000/- which was deposited by the petitioner/accused to the credit of S.C.No.21/2017 on 21.02.2020, in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The

disbursal of this amount shall be decided at the
culmination of the Appeal.

-sd/-
24/02/2020

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 JUDICIAL MAGISTRATE,
OOTY.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS.

3 THE SESSIONS JUDGE,
UDHAGAMANDALAM, NILGIRIS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
G-2 PUDUMUND POLICE STATION.

+1C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary
charges SR NO.3643

सत्यमेव जयते
Order

in
CRL MP.1704/2020
in
CRL A.86/2020

Date :24/02/2020

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

MK:26/02/2020